

EXHIBIT 93

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION
4 -----) MDL No. 2804
5 IN RE NATIONAL PRESCRIPTION)
6 OPIATE LITIGATION)
7) Case No. 17-md-2804
8 This document relates to:)
9 All Cases)

10 -----) Hon. Dan A. Polster

11 HIGHLY CONFIDENTIAL
12 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW
13

14 The videotaped 30(b)(6) deposition of
15 PURDUE PHARMA, L.P., PURDUE PHARMA, INC. And the
16 PURDUE FREDERICK COMPANY through STEPHEN SEID, called
17 for examination, taken pursuant to the Federal Rules
18 of Civil Procedure of the United States District
19 Courts pertaining to the taking of depositions, taken
20 before JULIANA F. ZAJICEK, a Registered Professional
21 Reporter and a Certified Shorthand Reporter, at the
22 offices of Dechert LLP, Suite 3400, 35 West Wacker
23 Drive, Chicago, Illinois, on December 12, 2018, at
24 9:58 a.m.

1 APPEARANCES:

2 ON BEHALF OF THE PLAINTIFFS:

3 SIMMONS HANLY CONROY LLC

112 Madison Avenue, 7th floor

4 New York, NY 10016

212-784-6400

5 BY: JAYNE CONROY, ESQ.

jconroy@simmonsfirm.com;

6 LAURA FITZPATRICK, ESQ.

lfitzpatrick@simmonsfirm.com

7 ELLYN HURD, ESQ. (Telephonically)

ehurd@simmonsfirm.com

8

9 ON BEHALF OF THE STATE OF TENNESSEE PLAINTIFFS:

10 BRANSTETTER, STRANCH & JENNINGS, PLLC

The Freedom Center

11 223 Rosa L. Parks Avenue, Suite 200

Nashville, Tennessee 37203

12 615-254-8801

BY: MICHAEL G. STEWART, ESQ.

13 mstewart@bsjfirm.com

14

ON BEHALF OF AMERISOURCEBERGEN CORPORATION and
15 AMERISOURCEBERGEN DRUG CORPORATION:

16 JACKSON KELLY PLLC

150 Clay Street, Suite 500

17 Morgantown, West Virginia 26501

304-284-4138

18 BY: SYLVIA WINSTON NICHOLS, ESQ.

(Telephonically)

19 sylvia.winston@JacksonKelly.com

20

ON BEHALF OF MALLINCKRODT LLC and SPECGX LLC:

21 ROPES & GRAY LLP

Prudential Tower

22 800 Boylston Street

Boston, Massachusetts 02199-3600

23 617-951-7910

BY: LUKE D. RILEY, ESQ. (Telephonically)

24 luke.riley@ropesgray.com

1 APPEARANCES: (Continued)

2

ON BEHALF OF CARDINAL HEALTH, INC.:

3

WILLIAMS & CONNOLLY LLP

4

725 Twelfth Street, N.W.

Washington, D.C. 20005

5

202-434-5000

BY: KATELYN ADAMS, ESQ. (Telephonically)

6

kadams@wc.com

7

ON BEHALF OF McKESSON CORPORATION:

8

COVINGTON & BURLING, LLP

9

One City Center

850 Tenth Street, NW

10

Washington, D.C. 20001

202-662-5531

11

BY: AMBER CHARLES, ESQ. (Telephonically)

acharles@cov.com

12

13

TABET DIVITO & ROTHSTEIN LLC

209 South LaSalle Street, 7th Floor

14

Chicago, Illinois 60604

312-762-9461

15

BY: DANIEL L. STANNER, ESQ.

dstanner@tdrlawfirm.com

16

17

ON BEHALF OF ENDO HEALTH SOLUTIONS INC., ENDO

PHARMACEUTICALS INC., PAR PHARMACEUTICAL COMPANIES,

18

INC.:

19

ARNOLD & PORTER KAYE SCHOLER LLP

70 West Madison Street, Suite 4200

20

Chicago, Illinois 60602-4231

312-583-2435

21

BY: MICHAEL S. BULLERMAN, ESQ.

michael.bullerman@arnoldporter.com

22

23

24

1 APPEARANCES: (Continued)

2

ON BEHALF OF WALMART INC.:

3

JONES DAY

4

77 West Wacker Drive

Chicago, Illinois 60601-1692

5

312-269-4164

BY: MARK W. DeMONTE, ESQ.

6

mdemonte@jonesday.com

7

ON BEHALF OF PURDUE PHARMA, L.P., PURDUE PHARMA, INC.

8

and THE PURDUE FREDERICK COMPANY, INC.:

9

DECHERT LLP

35 West Wacker Drive, Suite 3400

10

Chicago, Illinois 60601

312-646-5800

11

BY: NATHAN HOFFMAN, ESQ.

nathan.hoffman@dechert.com;

12

MELANIE MACKAY, ESQ.

melanie.mackay@dechert.com

13

14 ON BEHALF OF PERNIX THERAPEUTICS HOLDINGS, INC. IN
15 NON-MDL CASES PENDING IN ARKANSAS AND PENNSYLVANIA:

16

CLARK MICHIE LLP

17

220 Alexander Street

Princeton, NJ 08540

18

609-423-2143

BY: CHRISTOPHER J. MICHIE, ESQ.

19

(Telephonically)

chris.michie@clarkmichie.com

20

ON BEHALF OF DEFENDANT ROCHESTER DRUG COOPERATIVE:

ALLEGAERT BERGER & VOGEL, LLP

21

111 Broadway, 20th Floor

New York, New York 10006

22

212-571-0550

BY: LOUIS CRACO, ESQ. (Telephonically)

23

lcraco@abv.com;

LUCY ONYEFORO, ESQ. (Telephonically)

24

lonyeforo@abv.com

1 APPEARANCES: (Continued)

2

ON BEHALF OF THE DEPONENT:

3

SALVATORE PRESCOTT & PORTER

4

1010 Davis Street

Evanston, Illinois 60201

5

312-283-5711

BY: JULIE B. PORTER, ESQ.

6

porter@spplawyers.com

7

8

9

10 THE VIDEOGRAPHER:

11

MR. BEN STANSON,

Golkow Litigation Services.

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20 REPORTED BY: JULIANA F. ZAJICEK, RPR, CSR 84-2604.

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1 I N D E X

2

3 WITNESS:

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4 STEPHEN SEID

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11 *****

12

13 E X H I B I T S

14 PURDUE-SEID 30(b)(6) EXHIBIT MARKED FOR ID

15 No. 001 Third Amended Notice of Deposition 14

Pursuant to Rule 30(b)(6) and
Document Request Pursuant to Rule
30(b)(2) and Rule 34 to Defendants
Purdue Pharma, L.P., Purdue Pharma
Inc. and the Purdue Frederick
Company

19 No. 002 Purdue's Supplemental Responses 16

and Objections to Plaintiff's
Amended Notice of Deposition
Pursuant to Rule 30(b)(6) and
Document Request Pursuant to Rule
30(b)(2) and Rule 34

22

No. 003 Documents provided in response to 23

23 Topic #5:Policies and procedures
for SOM

24

1	E X H I B I T S (Continued)		
2	PURDUE-SEID 30(b)(6) EXHIBIT	MARKED FOR ID	
3	No. 004 Documents provided in response to	23	
	Topic #13 & 14: HDMA		
4			
	No. 005 Documents provided in response to	24	
5	Topic #50: Wholesalers		
6	No. 006 Marked up version of document	129	
	titled "Order Monitoring System		
7	(OMS)" by Jayne Conroy shown on		
	Elmo; PPLPC019001275418		
8			
	No. 007 Notes by Jayne Conroy	139	
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1 THE VIDEOGRAPHER: We are now on the record. My
2 name is Ben Stanson. I am a videographer for Golkow
3 Litigation Services. Today's date is December 12th,
4 2018, and the time is 9:58 a.m.

5 This video deposition is being held in
6 Chicago, Illinois in the matter of National
7 Prescription Opiate Litigation MDL No. 2804, pending
8 in the US District Court, Northern District of Ohio,
9 Eastern Division.

10 The deponent is Stephen Seid. Counsel
11 will be noted on the stenographic record.

12 Our counsel -- our court reporter is
13 Juliana Zajicek.

14 Will you please swear in the witness.

15 (WHEREUPON, the witness was duly
16 sworn.)

17 MR. HOFFMAN: Jayne, sorry, before we begin, I
18 just want to confirm for the record, excuse me, all
19 who are present here or attending by phone have agreed
20 to be bound by the applicable terms of the
21 confidentiality orders in place, both in the MDL or in
22 State Court litigation unless I hear otherwise.

23 Hearing nothing, all are bound. Thank
24 you.

1 STEPHEN SEID,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:

4 EXAMINATION

5 BY MS. CONROY:

6 Q. Good morning, Mr. Seid.

7 A. Good morning.

8 Q. My name is Jayne Conroy and I'm going to
9 be asking you some questions today on behalf of the
10 Plaintiffs in a case that's pending in Ohio.

11 Have you ever been deposed before?

12 A. No, I haven't.

13 Q. I'm sure your counsel gave you some of the
14 ground rules.

15 A. Um-hum.

16 Q. Probably the most important is that you
17 don't do "um-hum."

18 A. Okay.

19 Q. Even though the court reporter --

20 A. Yes.

21 Q. -- can probably deal with it --

22 A. Yeah.

23 Q. -- try to give a verbal answer.

24 And also, when I'm asking a question, wait

1 until I finish. That helps the court reporter, and if
2 your counsel wants to object, it also gives her a
3 chance to object, and I will likewise try not to speak
4 when you are speaking.

5 Okay?

6 A. Understood.

7 Q. Great. Thank you.

8 If you want to take a break at any time,
9 just let everybody know. We've got some unhooking and
10 things to do for a break and I would also ask that you
11 not ask for a break while there is a question pending.

12 A. Understood.

13 Q. But I think what we are going to do is we
14 are going to try and go for an hour or so, an hour and
15 a half, but if -- if that seems too long, just let
16 everybody know. No problem at all, we can just -- we
17 can just stop the record.

18 A. Sure.

19 Q. Have you ever been involved in a court
20 case?

21 A. How so?

22 Q. Personally, car accident, insurance
23 matter, anything?

24 A. No.

1 Q. Where do you live?

2 A. I live in Chicago.

3 Q. Okay. Right in the city?

4 A. Right in the city.

5 Q. And have you always lived here?

6 A. No. Originally from New Jersey and then
7 Connecticut and -- and then Chicago for about four
8 years.

9 Q. Okay. And I was looking at -- through
10 many of your documents and you were -- you've -- you
11 were at Purdue Pharma in Connecticut for a very long
12 time, correct?

13 A. Very long time.

14 Q. You started in the sales department?

15 A. Started in the sales department, yes.

16 Q. As a sales representative?

17 A. A sales representative in New Jersey.

18 Q. And then around -- well, we can look later
19 and get the dates about right, 2001 you became the
20 executive -- the senior director of national accounts
21 and trade relations?

22 A. Actually October of 2000.

23 Q. Okay. Great.

24 And how long did you keep that position?

1 A. Until I retired in May of 2014.

2 Q. I want to make sure I get it right. It
3 was senior director national accounts?

4 A. When I first came in, and I retired as
5 executive director.

6 Q. What does national accounts mean?

7 A. National accounts referred to the trade
8 accounts at Purdue, so it was anybody who warehoused
9 or dispensed our products.

10 Q. And what were your products generally?

11 A. Our products were anything from
12 over-the-counter products to prescription products. I
13 was responsible for all.

14 Q. And did you have a staff starting in
15 October of 2000 as a senior director?

16 A. Yes.

17 Q. And you did when you retired, I assume?

18 A. Yes.

19 Q. Did that change, the size of the staff?

20 A. It was pretty much the same throughout,
21 one or two people difference, but nothing significant.

22 Q. Okay. What was the -- what's the
23 approximate size?

24 A. Seven to eight people.

1 Q. And were they all located in Connecticut?

2 A. Four were remoted -- located remotely and
3 then three were located remotely eventually.

4 Q. Okay. And the -- and the remainder were
5 in Connecticut with you?

6 A. Yes.

7 Q. You are here today for this portion of the
8 deposition to give testimony on behalf of three
9 corporate entities, correct?

10 A. What corporate entities?

11 Q. Purdue Pharma, L.P., Purdue Pharma, Inc.,
12 and Purdue Frederick Company.

13 A. Yes.

14 Q. That's -- that sounds right?

15 A. That sounds right.

16 Q. Okay. Who did you work for while you were
17 at Purdue?

18 A. I started at Purdue Frederick. I actually
19 was one of the last Purdue Frederick employees, and it
20 was Purdue Pharma when I retired.

21 Q. Purdue Pharma, L.P. or Inc.?

22 A. L.P., I believe.

23 Q. That -- that's who paid you?

24 A. I believe so.

1 (WHEREUPON, a certain document was
2 marked Purdue-Seid 30(b)(6)
3 Deposition Exhibit No. 001, for
4 identification, as of 12/12/2018.)

5 BY MS. CONROY:

6 Q. And I'm going to show you what we've
7 marked as Exhibit 1. That's your copy with the stamp
8 on it.

9 A. Thank you.

10 MS. CONROY: Let's see how many copies we've got
11 here. I have two more.

12 BY MS. CONROY:

13 Q. Have you seen this document before?

14 A. Yeah, I believe -- yes, I believe so.

15 Q. Okay.

16 Exhibit 1 is the Third Amended Notice of
17 Deposition pursuant to Rule 30(b)(6) and Document
18 Request to Purdue Pharma, L.P., Purdue Pharma Inc. and
19 Purdue Frederick Company.

20 And so you have seen this document before?

21 A. I believe so.

22 Q. Okay. And do you understand that you are
23 here today to talk about in a -- sort of the center of
24 the page, the first page, Topics 5, 13, 14, 19 and 50?

1 A. 13 is lobbying, Topic 13, or am I looking
2 in the wrong place here?

3 Q. Let me take a look.

4 It's on Page 9.

5 A. Oh, 9. I'm sorry.

6 Yes. Okay. Sorry about that.

7 Q. Okay. That looks right to you?

8 A. Yes.

9 Q. Okay. What did you do to prepare to
10 testify today about those five topics?

11 A. I met with my attorney and reviewed some
12 documents.

13 Q. Did you yourself have any documents?

14 A. No.

15 Q. Were they provided to you?

16 A. They were provided to me.

17 Q. Approximately how many times did you meet
18 with your attorney?

19 A. Three.

20 Q. And was that here in Chicago?

21 A. Here in Chicago.

22 Q. And about how long did those meetings
23 last?

24 A. Combined, approximately ten hours.

1 Q. And were you paid for that time?

2 A. No.

3 Q. Do you expect to be?

4 A. No.

5 Q. Why is that?

6 A. I don't -- I don't work for the company
7 anymore. I'm retired.

8 Q. So you are not going to give them a bill
9 for your time?

10 A. No, I'm not going to give them a bill for
11 my time.

12 Q. Is there a reason why you are not giving a
13 bill for your time?

14 A. I -- it was not my intention to give them
15 a bill for my time.

16 Q. Okay.

17 A. I didn't expect to.

18 Q. Other than attorneys at the meeting, were
19 there any other individuals present?

20 A. Just attorneys.

21 (WHEREUPON, a certain document was
22 marked Purdue-Seid 30(b)(6)
23 Deposition Exhibit No. 002, for
24 identification, as of 12/12/2018.)

1 BY MS. CONROY:

2 Q. I was -- I'm also going to pass to you
3 what I've marked as Exhibit 2.

4 Exhibit 2 is Purdue's Supplemental
5 Responses and Objections to Plaintiff's Amended Notice
6 of Deposition.

7 Have you seen this document before?

8 A. No, I haven't seen this document.

9 Q. When you met with your counsel to prepare
10 for this deposition, you were working off of
11 Exhibit 1, those topics?

12 A. Primarily.

13 Q. And you also, your counsel gave me this
14 morning a file folder of documents and -- with three
15 manila folders inside.

16 Are you -- you familiar -- you have one in
17 front of you. What is --

18 MS. PORTER: Object -- I'm sorry.

19 Please go ahead.

20 BY MS. CONROY:

21 Q. Okay. And I see you have one in front of
22 you.

23 Are these documents that you put together?

24 MS. PORTER: Ob -- objection. I just want to

1 point out that that's from Purdue's counsel, not from
2 Mr. Seid's personal counsel.

3 BY MS. CONROY:

4 Q. I see.

5 You are represented here today by
6 Ms. Porter?

7 A. Yes.

8 Q. Are you also represented by Purdue's
9 counsel?

10 A. No. I'm represented by Ms. Porter.

11 Q. And how is Ms. Porter being paid, if she
12 is being paid?

13 A. She is being paid by Purdue.

14 Q. And how did you -- how did you come to
15 hire Ms. Porter?

16 A. She was recommended to me. I spoke to
17 her. I did some research, and I agreed that she would
18 represent me.

19 Q. Okay. Do you have a retainer agreement
20 with her?

21 A. I don't have one personally.

22 Q. Okay. You don't have anything in writing
23 that she --

24 A. But I -- yeah, I agreed to retain her as a

1 counsel, yes, I did.

2 Q. In writing?

3 A. Yes.

4 Q. And where is that document?

5 A. It was electronic. I don't have a copy of
6 it.

7 Q. In a -- some e-mail communication?

8 A. Yes.

9 I don't need my glasses here.

10 Q. And the three file folders that I was
11 given today, those were prepared by Purdue's counsel?

12 A. I believe so, yes.

13 Q. Have you seen them before? Or let me ask
14 it this way: Have you -- have you seen this -- have
15 you gone through this folder of documents?

16 A. I've gone through some folders, but I
17 haven't gone through this folder of documents yet.

18 Q. Okay. So as you sit here, we -- we can --
19 we are going to look at these, but you're not
20 familiar -- if I were to say to you "What's in there?"
21 you don't know?

22 MR. HOFFMAN: I'm sorry. I'm going to object.

23 We just transferred from one folder to the
24 others and finalized them, but Mr. Seid has reviewed

1 all of the documents that are in there at one point in
2 time or another.

3 MS. CONROY: I wasn't -- I wasn't suggesting he
4 hadn't reviewed them. I'm just saying he hasn't seen
5 them in this kind of a compilation, he didn't put this
6 together.

7 BY MS. CONROY:

8 Q. Is that correct, you didn't put this
9 together?

10 A. I did not put that together.

11 Q. How would you describe for me what you did
12 as the senior and then executive director of national
13 accounts? Just generally, what was your role at
14 Purdue?

15 A. My role at Purdue was to be responsible
16 for the dis -- distribution of all of our products,
17 whether they were OTC or prescription, related
18 promotion to those -- of those products, in particular
19 the OTC brands which protected specific promotions.

20 My ultimate goal in distributing our
21 products was that they were at a given pharmacy when a
22 patient who needed any one of those products would
23 enter that pharmacy with a prescription or for a
24 non-prescription product and need them for a

1 particular medical purpose.

2 Q. And when you say you were -- for the
3 distribution of your products, what does that actually
4 mean? Were you -- were you making sure that they --

5 A. I was making sure that -- I'm sorry. I
6 interrupted you.

7 Q. No, go ahead.

8 A. I was making sure that the manufacturer --
9 that the wholesalers had adequate supplies, that they
10 were being appropriately distributed to retail
11 pharmacies, in some cases hospital pharmacies, and
12 ensuring that adequate and appropriate inventories
13 were available in the marketplace.

14 Q. And what did you mean by "related
15 promotion"?

16 A. Related promotion, for example, would be,
17 with our OTC brands, we would be promoting specials as
18 far as the products go, setting up advertisements,
19 that type of thing.

20 Q. And it -- it also included things like
21 e-mail blasts and others for some of the prescription
22 drugs as well, correct?

23 A. What specific products are you talking
24 about?

1 Q. I'm talking about the opioid products.

2 A. The opioid products is that there would be
3 initial distribution programs or promotions,
4 particularly at launch, but it was not a -- opioids
5 were not a product that we would normally promote in
6 any specific way, like giving specials or that kind of
7 thing.

8 Q. Okay. I -- I wasn't asking whether you
9 promoted them in any sort of special way, but they
10 were included in the promotion, correct?

11 A. They were com -- included in the promotion
12 of products, yes.

13 Q. And so -- and that was part of what you
14 did?

15 A. That was part of what I did.

16 Q. I think maybe if your counsel, just
17 because -- I'm going to put exhibit stickers -- you
18 know, sorting, I should have put -- I should have put
19 them on -- on Mr. Seid's. Let's -- let's do it that
20 way.

21 If you'd just pass that over to me and
22 I'm -- or -- okay. Actually, pass the whole Redweld
23 over and I'm just going to put -- pass that back to
24 you.

1 A. Okay.

2 (WHEREUPON, a certain document was
3 marked Purdue-Seid 30(b)(6)
4 Deposition Exhibit No. 003, for
5 identification, as of 12/12/2018.)

6 BY MS. CONROY:

7 Q. Okay. Mr. Seid, what I've marked as --
8 in -- in the -- in the Redweld there are three manila
9 folders, and I've marked as Exhibit 3 the one that
10 says: "Topic #5: Policies and Procedures For SOM."

11 What's SOM stand for?

12 A. Suspicious order monitoring.

13 (WHEREUPON, a certain document was
14 marked Purdue-Seid 30(b)(6)
15 Deposition Exhibit No. 004, for
16 identification, as of 12/12/2018.)

17 BY MS. CONROY:

18 Q. Okay. And I've marked as Exhibit 4 the
19 folder labeled: "Topics #13 and 14: HDMA."

20 A. Um-hum.

21 Q. And what is HDMA?

22 A. Health -- Health Distribution
23 Manufacturers Association.

24 (WHEREUPON, a certain document was

1 marked Purdue-Seid 30(b)(6)
2 Deposition Exhibit No. 005, for
3 identification, as of 12/12/2018.)

4 BY MS. CONROY:

5 Q. And as Exhibit No. 5, the manila folder
6 labeled: "Topic #50 Wholesalers."

7 Do you see that?

8 A. No. 5?

9 Q. Yeah.

10 A. Yes.

11 Q. Okay. Mr. Seid, are you only testifying
12 here today up until the time that you retired? Is
13 that your knowledge base today?

14 A. My knowledge base would only be until I
15 retired, yes.

16 Q. Have you informed yourself at all on
17 Topics 5, 13 and 14 or 50 with respect to what has
18 happened at Purdue after October of 2014?

19 A. No, I haven't.

20 Q. Okay.

21 Who would you -- who would, do you
22 believe, if anyone, would know the answers to those
23 issues after you left?

24 A. After 2014, they've had various people

1 heading the department and I'm not aware of all of
2 them.

3 Q. Who took your position?

4 A. A woman whose name escapes me, quite
5 frankly.

6 Q. But did -- did she work --

7 A. She was not from the company before, so
8 I'm --

9 Q. So she cay -- she came in new?

10 A. She came in new. She came from outside.

11 Q. Did you ever work with her?

12 A. Never.

13 Q. If her name occurs to you over the day,
14 just blurt it out, okay?

15 A. Okay. I will do that.

16 Q. Did anyone from -- that you worked with
17 from your department remain?

18 A. Yes.

19 Q. The woman that took over, did she -- was
20 she based in Connecticut?

21 A. I -- she was working out of the home
22 office. I understand that she is still retained where
23 she lived in Philadelphia, so I don't know if she
24 worked remotely or purely at the office.

1 Q. Is there still a national accounts and
2 trade relations department so far as you know at
3 Purdue?

4 A. I'm not sure exactly how it's -- it's set
5 up at this point, because they've had significant
6 reduction in staff recently. And I know there were
7 some changes and that several of my former colleagues
8 were -- were laid off.

9 Q. Take a look at Exhibit 3.

10 A. Um-hum. Yes. I'm sorry.

11 Q. I will identify what's in here. We have a
12 front page which has invin- -- "Individuals Involved
13 in," Suspicious Order Monitoring, "SOM."

14 Do you see that?

15 A. I see that.

16 Q. Did you help put that list together?

17 A. I did.

18 Q. Okay. And how did you do that, from
19 memory or --

20 A. No. I looked at an original list and made
21 some suggestions as to additions and deletions.

22 Q. Okay. And then the next document is Bates
23 PPLPC030000397963, and if you turn the page, it's an
24 Audit Committee Meeting --

1 A. Um-hum, yes.

2 Q. -- from June 20th, 2007?

3 A. Yes.

4 Q. In the ordinary course would you have had
5 those -- something like this in your file while you
6 were at Purdue?

7 A. If I prepared it, it would be in my file.

8 Q. And this is one prepared by you, right,
9 Steve Seid there on the front page?

10 A. That's what it says.

11 Q. And can you tell me, audit committee
12 meeting, was that a -- a set meeting that took place
13 just once or was it a reoccurring meeting?

14 A. I don't know. I was asked to attend and
15 make a presentation, apparently, and I'm not sure if
16 it was a recurring meeting.

17 Q. Are you a member -- were you a member of
18 the audit committee meeting?

19 A. No, I wasn't.

20 Q. Or I'm sorry, the audit committee?

21 A. No. I was a guest lecturer.

22 Q. Okay. The next document is
23 PPLPC018000246423 through -- it's just a two-page,
24 2/2. On the top it says "Suspicious Order Monitoring

1 (SOM) ."

2 Do you see that?

3 A. Um-hum.

4 Q. Did you prepare this document?

5 A. No. It looks like Jack Crowley prepared
6 this document.

7 Q. And how can you tell that?

8 A. Because on the back it says Jack Crowley.

9 Q. And who is Jack Crowley?

10 A. He was the executive dired- -- director of
11 CSA compliance.

12 Q. And CSA is controlled substances?

13 A. Yes.

14 Q. And why is this included in this -- in the
15 package Exhibit 3 which responds to Topic No. 5?

16 A. I don't know.

17 Q. Was this document anything that you
18 referred to during your tenure at Purdue?

19 A. I certainly knew the information that was
20 here, but I didn't refer to the -- to this.

21 Q. Do you know if anyone did?

22 A. No, I don't.

23 Q. When you say you knew the information in
24 it, we can -- after we go through these, we can go

1 through some of the information that's in it, but have
2 you -- did you review this document prior to coming
3 here today?

4 A. I did not review this document. I don't
5 remember reviewing this document.

6 Q. Okay. The next document is
7 PPLPC031001491482 through 1487, and this is an SOP --
8 GC-SOP-0007.

9 Do you see that?

10 A. Yes.

11 Q. Could you tell me what this document is?

12 A. This was the SOP of -- in reference to the
13 order management system.

14 Q. And SOP means standard operating
15 procedure?

16 A. Operating procedure, yes.

17 Q. And was this a standard operating
18 procedure in effect at Purdue?

19 A. It appears to be, yes.

20 Q. Is this any -- did you ever operate
21 your -- within your responsibilities as the director,
22 senior, then executive, of national accounts and trade
23 relations pursuant to this SOP-0007?

24 A. I'm not sure what you mean.

1 Q. Did you ever -- did you use this document,
2 this SOP in your --

3 A. I mean --

4 Q. -- daily business?

5 A. Well, not daily business, but it was
6 related to order management system, yes.

7 Q. Okay. And did you have -- did you assist
8 in drafting it?

9 A. I reviewed it, but I did not draft it.

10 Q. And that's where it says "Approval" down
11 at the bottom with the "SS"?

12 A. Yes.

13 Q. And --

14 A. It was issued by -- drafted by legal.

15 Q. And how -- and you can tell that where it
16 says "Issued: Legal/national accounts," that means it
17 was drafted by the legal department?

18 A. Well, I knew it was drafted by the legal
19 department because I reviewed it from them.

20 Q. And what was the purpose of this SOP?

21 A. To codify the procedure -- policies and
22 procedures as relates to order management sys --
23 system.

24 Q. And what is the -- an order management

1 system is up here, I've also seen it OMS.

2 Does that make sense to you?

3 A. Um-hum.

4 Q. And --

5 MS. PORTER: Remember, don't answer "um-hum."

6 THE WITNESS: I'm sorry.

7 BY MS. CONROY:

8 Q. -- what was the perfect -- purpose of the
9 order management system?

10 A. Honor -- order monitoring system.

11 Q. Monitoring. Okay. So it says --

12 A. It is order mannerment -- management on
13 top, but within the --

14 Q. Oh, I see.

15 A. -- the first paragraph.

16 Q. I see. Right here.

17 So you refer to it as the order
18 monitoring -- OMS as the order monitoring system?

19 A. Well, we refer to it as the suspicious
20 order monitoring system.

21 Q. Okay. And what was the purpose of that
22 generally?

23 A. The purpose of the SOP or of the system?

24 Q. Of the system.

1 A. The system was based on what is a
2 directive in the CSA under Section USC 823 and 21 CFR
3 1301.b(74) [sic], but distributors in general, they
4 were responsible to create a system to order [sic]
5 suspicious opioid orders.

6 Q. And would that encompass someone like
7 Purdue as well?

8 A. Purdue is responsible for that, yes.

9 Q. Okay.

10 Do you consider Purdue a distributor?

11 A. The -- under the guidelines of the CSA,
12 DEA would consider Purdue a distributor. I would not.

13 Q. How do you refer to Purdue?

14 A. As a manufacturer.

15 Q. But it's your understanding that the CSA,
16 for want of a better word, lumps together
17 manufacturers and distributors?

18 A. Um-hum. Yes.

19 Q. And this SOP is dated March 23rd -- or it
20 says: "Effective Date: March 23rd, 2009."

21 Do you see that?

22 A. Yes.

23 Q. Was there anything, do you know, in place,
24 any sort of an SOP prior to March 23rd of 2009 with

1 respect to the order monitoring system?

2 A. I don't remember an SOP.

3 Q. When did the CSA take effect?

4 A. The CSA?

5 Q. Well, the CSA that you are referring to.

6 You gave me the full name that refers to suspicious
7 order monitoring?

8 A. I don't know exactly when the DEA put that
9 into law. The -- the CSA has been around since 1971
10 or '2.

11 Q. Right. Is it -- is it your understanding
12 that it was many years prior to March of 2009?

13 A. It was years prior. I don't know when.

14 Q. Do you know if Purdue had any standard
15 operating procedure with respect to suspicious order
16 monitoring in place prior to this GC-SOP-0007?

17 A. I don't know if there was an SOP in place,
18 but there was suspicious order monitoring being done
19 before that.

20 Q. And were you the person that oversaw the
21 suspicious order monitoring prior to --

22 A. No, I was not.

23 Q. Who was that?

24 A. Well, the way the committee was set up was

1 that the person who was the chair was in the general
2 counsel's office.

3 Q. And while you -- who were the -- who were
4 the individuals who occupied that chair from the
5 general counsel's office during your tenure at Purdue?

6 A. The chair was Robin Abrams.

7 Q. For the entire time?

8 A. Yep. Yes.

9 Q. Never -- never Mr. Udell?

10 A. Never Mr. Udell that I am aware of.

11 Q. Do you know if she is still the chair?

12 A. No, she doesn't work for Purdue anymore.

13 Q. Is that -- are these her initials down
14 here at the bottom, "REA"?

15 A. Yes.

16 Q. Do you know if there were any additional
17 standard operating procedures with respect to
18 suspicious order monitoring or order -- or an order
19 monitoring system after March of 2009?

20 A. Yes, there was one in place.

21 Q. Okay. And what was that?

22 A. It was basically what was established in
23 here. It was the committee of various disciplines,
24 met on a regular basis, using state of the art data to

1 review suspicious orders.

2 Q. And so those meetings began sometime after
3 March of 2009?

4 MR. HOFFMAN: Object to form.

5 BY MS. CONROY:

6 Q. That -- those committee meetings?

7 A. There were meetings prior to this, that --
8 that date.

9 Q. Do you know when those meetings began?

10 A. Not off the top of my head.

11 Q. Do you know when the com -- approximately
12 when the committee was formed?

13 A. It would be a guess. 2007. It would be a
14 guess.

15 Q. Why do you believe it was 2007?

16 A. There were two letters sent from the DEA
17 in September of 2006 and one December of 2007 that was
18 reiterating to -- it was sent to all DEA registrants
19 who were distributors or considered distributors under
20 DEA's description, and they specifically talked about
21 having a suspicious order monitoring system in place.

22 Q. And is -- and we'll look at some
23 documents. I'm not really trying to tie you down to a
24 particular date, but your memory is you received

1 something from the DEA and then a suspicious order
2 monitoring committee was set up at Purdue?

3 A. A specific committee was set up, I
4 believe, after that, yes.

5 Q. And were you a member of that committee?

6 A. I was a member of that committee.

7 Q. And what other disciplines were on that
8 committee?

9 A. The other disciplines involved were --
10 with a representation would -- were from the legal
11 department and there was a person who was the director
12 of order monitoring systems that was also within the
13 legal department that was a member of the team. The
14 vice president of corporate security, executive
15 director of CSA, myself, and director of
16 investigations, and then there were adjunct people who
17 would support us, generally with data and information.

18 Q. Okay. Did the position of executive
19 director of CSA exist before the committee was formed?

20 A. Yes.

21 Q. And the same for the corporate security
22 department?

23 A. Yes.

24 Q. Same for your department existed before

1 that, correct?

2 A. Yes.

3 Q. And the director of investigation?

4 A. Yes.

5 Q. What about the director of order
6 management that was from the legal department?

7 A. No.

8 Q. Did that position exist prior?

9 A. That was -- no, that position did not
10 exist prior.

11 Q. So that was a new position?

12 A. That was a new position.

13 Q. Did Ms. Abrams occupy that position or was
14 it someone else in her department?

15 A. There are two people, I think, that are
16 listed there. Initially Elizabeth Adams was the OMS
17 coordinator and then subsequent to that it was Giselle
18 Issa.

19 Q. And when you -- was the committee in place
20 the -- your entire -- until you retired?

21 A. Yes.

22 Q. And was Issa, Giselle, the legal
23 department representative and the director of order
24 monitoring from the legal department when you retired?

1 A. Yes, she was.

2 Q. Do you know if SOP-double -- 0007 has been
3 updated or supplemented since March of 2009?

4 A. I don't know.

5 Q. If you wanted to know that, how would you
6 check it, and I realize you are not there anymore, but
7 if -- if -- before you retired if you wanted to know
8 if there were any updates to this standard operating
9 protocol?

10 A. I would have had to review it.

11 Q. You'd have to review the protocol itself?

12 A. I would have to review the update.

13 Q. How would you know if there was an update?

14 A. It would be sent to me by the legal
15 department.

16 Q. And did you have a particular place where
17 they were -- where it was kept in your files or was
18 there a particular place at the company where all of
19 the standard operating procedures were kept as well as
20 their supplements?

21 A. I had a fantastic admin who if there was a
22 place for it, she was able to put it there.

23 Q. So you -- you would ask her and she would
24 give it to you?

1 A. And I would get it.

2 Q. Yeah, I -- I like those people. They are
3 great.

4 Who was that?

5 A. Cheryl Reuss.

6 Q. And is she still at the company?

7 A. No, she is not.

8 Q. When did she leave?

9 A. Recently she was part of the last layoff.

10 Q. And so if you wanted to know if a
11 particular SOP existed or whether any had been
12 updated, you would go to Ms. Reuss --

13 A. Yes.

14 Q. -- and she would somehow be able to figure
15 out what the answer was?

16 A. Or she would provide it for me to review.

17 Q. Okay. Do you know if Ms. Reuss was
18 contacted in preparing for your 30(b)(6) deposition
19 today?

20 A. I don't.

21 Q. You didn't talk -- contact her?

22 A. I did not.

23 Q. Are you in contact with her?

24 A. I send her a Christmas card.

1 Q. The next document is PPLPC033000005829
2 through 831. This is dated January 24th of 2010 and
3 it says "SOM Executive Summary."

4 Do you have that one there?

5 A. Yes, I do.

6 Q. Do you know who wrote this document?

7 A. I don't. Is this a draft or a final
8 or...?

9 Q. This is what I received from your -- from
10 Purdue's counsel.

11 So is it familiar at all to you?

12 A. I don't remember this document.

13 Q. Have you read it in the last three to four
14 months, do you know?

15 A. I've gone through it, yes.

16 Q. Okay. But it wasn't -- it is not familiar
17 to you what -- how it was prepared or who prepared it?

18 A. No.

19 Q. Was it anything that you ever referred to
20 during your tenure at Purdue?

21 A. No.

22 Q. And is it fair to say you didn't write it?

23 A. I don't believe so, no.

24 Q. The next document is PPLPD004687363 which

1 is an e-mail from Jack Crowley dated October 7th,
2 2011, to a Barbara Boockholdt.

3 Do you see that?

4 A. Um-hum. Yes, I do.

5 Q. And why is this included in the package?

6 A. I don't know.

7 Q. Have you ever seen this before?

8 A. I don't remember reviewing this.

9 Q. The next document is Bates
10 PPLD004687385 --

11 A. Um-hum.

12 Q. -- and it contains a --

13 A. -- yes.

14 Q. -- spreadsheet list.

15 What is this document, if you know?

16 A. This document is a sample of what a list
17 would appear in the database as it relates to
18 pharmacies that we were receiving information about.

19 Q. So is this -- is this a report that was
20 generated from your database that contained pharmacy
21 information?

22 A. This was more a summary than a report.

23 Reports would be based on the information that was in
24 here.

1 Q. Would this be -- is this a snapshot in
2 time of the database with respect to pharmacies?

3 MR. HOFFMAN: Just so the record is clear,
4 Jayne, it is actually an attachment to the prior
5 e-mail, so that will explain what it is.

6 MS. CONROY: Oh, okay.

7 BY MS. CONROY:

8 Q. Let's go back and take a look at that
9 then.

10 In the middle of the document that was
11 from Jack Crowley, it says:

12 "Attached please find the list that we
13 have labeled 'slow pharmacies' with the new criteria,
14 retail pharmacies that have sales that are greater
15 than 350,000 and declined in units greater than or
16 equal to 50 percent."

17 Do you see that?

18 A. Yes, I do.

19 Q. A total number that met this criteria is
20 285.

21 Do you see that?

22 A. Yes, I do.

23 Q. So then let's look at -- that's what the
24 criteria is. Is that what was put into the database,

1 that criteria "greater than 350,000 oxy one year sales
2 before reformulation."

3 Do you see that up at the top under
4 Criteria No. 1?

5 A. Yes, I see that. Since I did not prepare
6 this correspondence and did not provide it to Barbara
7 Boockholdt, the US DOJ, I am not aware of what
8 specific criteria and why they were providing it for
9 her.

10 Q. Okay. So you -- you did not prepare
11 yourself with respect to what this was at least in
12 preparation for me to ask you questions about it
13 today?

14 A. Right.

15 MR. HOFFMAN: Object to the form.

16 BY MS. CONROY:

17 Q. I didn't hear your answer. I'm sorry.

18 A. The answer is, yes, I didn't -- I mean, I
19 looked at it, but it's not my document.

20 Q. Okay. And you didn't seek to ask anyone
21 else, anyone that might have been on this e-mail
22 attachment or Giselle Issa what this was all about, is
23 that fair?

24 MR. HOFFMAN: Object to form.

1 BY THE WITNESS:

2 A. No, I did not.

3 BY MS. CONROY:

4 Q. Were you someone that would have been able
5 to go into this particular database and pull out this
6 information while you were at Purdue?

7 A. I could have done it, but, again, I relied
8 on somebody who was much more efficient with dealing
9 with databases to provide me summaries.

10 Q. Okay.

11 A. And he did a great job at doing that.

12 Q. Who was that?

13 A. Steve Projansky.

14 Q. The next document is a Purdue document,
15 PPLPC019001275418.

16 It says up at the top: "Order Monitoring
17 System (OMS). Purdue developed the Order Monitoring
18 System to comply with Drug Enforcement Administration
19 (DEA) regulations to review and potentially report
20 orders that are deemed suspicious once identified."

21 Do you see that?

22 A. Yes, I do.

23 Q. Did you prepare this document?

24 A. No, I did not.

1 Q. Do you know who did?

2 A. No, I don't.

3 Q. At the bottom it says: "To find out more,
4 please visit: www.purduepharma.com/getthefacts."

5 Do you see that?

6 A. Yes, I do.

7 Q. Did you -- have you been on that website?

8 A. I have been on that website, but I have
9 not seen -- I have only seen this document in hard
10 copy.

11 Q. Do you know when this document was
12 created?

13 A. I don't.

14 Q. Do you know if there is a way to find that
15 out?

16 A. I don't.

17 Q. Who is able to post items on the
18 purduepharma.com/getthefacts?

19 A. I don't know.

20 Q. Have you ever put anything on that?

21 A. I have never put anything on that.

22 Q. Have you ever referred to that in your --
23 for any -- any of your job responsibilities during
24 your tenure at -- tenure at Purdue?

1 A. Not that I can attest to, and I think this
2 is a relatively recent addition to their website.

3 Q. How can you tell -- how -- how do you tell
4 that?

5 A. Because I don't remember it from when I
6 worked there.

7 Q. I see.

8 Does the -- if you look at the process, do
9 you agree with the structure?

10 A. Yes, I do.

11 Q. And where it says: "Purdue's OMS team
12 analyzes to deter" -- "Fa" -- "Factors that Purdue's
13 OMS Team Analyzes to Determine Pharmacy Review."

14 Do you see that?

15 A. Um-hum.

16 Q. Would you have been one of those team
17 members up through 2014?

18 A. Yes, I would.

19 Q. And would that be the same committee that
20 you mentioned to me?

21 A. Yes, it would.

22 Q. And it -- that was the OMS committee?

23 A. SM -- SOMS we would call it.

24 Q. SOM?

1 A. We would call it.

2 Q. The SOM?

3 A. At least that's what I called it, SOMS.

4 Q. Okay. We'll go by what you called it,
5 okay.

6 And so the factors would come -- if you
7 look over on the left with -- from "data supplied by
8 wholesalers on sales of Purdue products."

9 Do you see that?

10 A. Yes.

11 Q. And where it says: "To identify outliers
12 or indicia of potential concern," was that something
13 that the committee identified?

14 A. They identified it using data, yes.

15 Q. And who -- who selected the criteria that
16 would be applied to the data?

17 A. The committee discussed the -- the
18 criteria and we relied on Sayee Na -- Natarajan was in
19 our IP department who was a -- a wizard with data and
20 creating algorithms and paradigms to -- to look at and
21 could do so very quickly and could actually very
22 rapidly adjust them as we needed, as circumstances in
23 the marketplace may change.

24 Q. Okay. So when it says: "To identify

1 outliers or indicia of potential concern," the
2 committee would instruct Say- -- Sayeed, is that his
3 name?

4 A. Sayee.

5 Q. Sayee.

6 Sayee to either create an algorithm or
7 some sort of a paradigm to capture that information?

8 A. Um-hum, um-hum, yes.

9 Q. And where was that data housed?

10 A. It was housed in a computer system that
11 was proprietary -- in a data system that was
12 proprietary to Purdue.

13 Q. And was that data system overseen by your
14 department or another?

15 A. It is a difficult quest -- question to
16 answer be -- as to what oversight would be. It was
17 more the committee was responsible for inputting what
18 the data was. If there was an individual then who
19 would be responsible, it would be safe to assume that
20 it would be the chair of the committee.

21 Q. And that would be?

22 A. Robin Abrams.

23 Q. Robin Abrams.

24 Did you have access to all of the data

1 that was in the --

2 A. I had access to all of the pharmacy data.

3 Q. Then the second --

4 MS. PORTER: Let her finish her question.

5 MS. CONROY: I couldn't hear.

6 MS. PORTER: I was just saying to just make sure
7 to let you finish your question before answering.

8 MS. CONROY: Thank you.

9 MS. PORTER: It is hard to get used to, but...

10 BY MS. CONROY:

11 Q. It is a little stilted.

12 The next -- the next factor is:

13 "Discussions with wholesalers."

14 Do you see that?

15 A. Um-hum.

16 Q. "Based on concerning purchase trends and
17 other indications"?

18 A. Um-hum. Yes.

19 Q. Who -- who would have had those
20 discussions with wholesalers?

21 A. Various people within the -- particularly
22 the OMS team, SOMS team. Myself, Jack Crowley,
23 corporate security. I was often the liaison to get
24 them to the appropriate people, but it was generally

1 law enforcement types talking to law enforcement types
2 when it came to that.

3 Q. And --

4 A. Not commercial to commercial.

5 Q. Okay. And were there -- were there notes
6 kept or anything or was there -- was it -- was it
7 possible to put notes into the database or whatever
8 about those conversations?

9 A. There were notes, and when the committee
10 got together for review, any appropriate or important
11 conversations would be noted.

12 Q. In the minutes of the meeting?

13 A. In the minutes of the meeting.

14 Q. Was there any live way of tracking phone
15 calls or the ability, for ex -- for example, for
16 someone working at Purdue to, you know, put into the
17 database, Called, you know, Detective Smith?

18 A. There were -- there were places for notes,
19 yes.

20 Q. Okay. Were those utilized?

21 A. Yes.

22 Q. And was that something that you or any of
23 the other committee members would review?

24 A. Yes.

1 Q. And so did you -- you had access to that
2 at your desktop?

3 A. I would have access to that at my desktop
4 generally after it was prepared by somebody else.

5 Q. And if you had a question about a
6 particular order or a pharmacy, would it be your
7 general practice to go into the database and see what
8 notes had been left by others?

9 A. If there were notes on a particular
10 pharmacy, yes.

11 Q. Did -- all right.

12 Is that database -- was that database
13 still in existence when you left in 2014?

14 A. Yes, it was.

15 Q. Do you have any reason to believe it
16 doesn't still exist?

17 A. I don't know.

18 Q. Next factor is: "Reports of concern and
19 Abuse and Diversion Detection (ADD) program reports
20 indicative of suspicious activity."

21 Did you utilize ADD reports on the SOM
22 committee?

23 A. Yes, we did.

24 Q. And what -- how did those get to you?

1 A. They were through, once again, the legal
2 department.

3 Q. So the legal department would receive the
4 ADD reports?

5 A. Yes.

6 Q. That's not something you would have?

7 A. No. And if anybody attempted to give me
8 them, I would refer them to legal.

9 Q. And did you ever receive copies of those
10 ADD reports from legal as part of your duties on the
11 SOM committee?

12 A. If it was pertinent to a pharmacy we were
13 investigating, then I would see -- they would put in
14 the notes what was on the ADD report.

15 Q. And when you say put in the notes, are you
16 talking about the meeting minutes or in the notes in
17 the database?

18 A. Usually both.

19 Q. So if there was an ADD report about a
20 particular pharmacy or wholesaler, you would actually
21 see a reference to the ADD report in the database?

22 A. I can't attest to that. I don't know if
23 it was triaged before it went in or not because it was
24 not through my department.

1 Q. So you -- let me -- so you -- you don't
2 know whether there would be a reference to an ADD
3 report in the database in the -- what -- what do
4 you -- what do you -- let me -- let's start there.

5 What do you call that database where
6 the -- where the SOM committee would refer?

7 A. I called it the Suspicious Order
8 Monitoring System pharmacy data.

9 Q. Pharmacy data?

10 A. Yeah.

11 Q. And would the wholesaler data be there as
12 well?

13 A. Yes. That was primarily what was there.

14 Q. Okay. Tell me the -- tell me the -- well,
15 if you were asking Ms. Reuss, what would you -- what
16 would you tell her your -- you wanted to look at, what
17 was that database called?

18 A. Well, this database was called the
19 Suspicious Order Monitoring System Database, Sales
20 Database.

21 Q. Suspicious Order Monitoring Sales
22 Database?

23 A. Um-hum.

24 Q. Okay.

1 A. I don't know if there was any other
2 acronym or specific name.

3 Q. But -- but if you asked for that, people
4 would know what you were talking about?

5 A. They would know what I was talking about.

6 Q. And do you know if that existed prior to
7 March of 2009?

8 A. I believe it did.

9 Q. Do you believe it began to exist around
10 the time that you've told me that the DEA sent the
11 letters, which may have been around 2007?

12 A. Yes. The data -- the data was there prior
13 to that.

14 Q. Was the data in something called the
15 suspicious order monitoring sales database or was the
16 data collected and then put into that?

17 A. The data was collected -- it was 'ceive --
18 received electronically on a daily basis from the
19 wholesalers, washed, if you will, through a -- a third
20 party that could aggregate the data and then send it
21 to us.

22 Q. Was that third party ValueCentric or
23 ValueTrak?

24 A. Yes, ValueCentric.

1 Q. And did you have access to the Suspicious
2 Order Monitoring Sales Database on your desktop?

3 A. Yes.

4 Q. And was that true from we'll say 2007,
5 from the time it was -- that database was created
6 until you left?

7 A. Um-hum.

8 Q. Okay.

9 A. Yes.

10 Q. And did the other committee members have
11 access on their desktop?

12 A. I don't -- I'm not sure all did. I assume
13 they did, but I don't know for sure.

14 Q. Okay. And who else at -- at Purdue had
15 access to that database?

16 A. Giselle Issa, I'm assuming Robin Abrams,
17 Steve Projansky, who worked with me, IT.

18 Q. Were there any sections of the suspicious
19 order monitoring sales database that were protected
20 from view from some individuals and not others or did
21 you have to have particular rights to look at certain
22 data?

23 A. It was available to those people it would
24 be pertinent to, but there was still a transparency,

1 nothing was hidden from anybody.

2 Q. So any -- anyone who had access --

3 A. Access had access to all of it.

4 Q. And then the fourth box is: "Publicly
5 available legal or regulatory actions,
6 informations" -- "information collected based on
7 public searches of terms to identify actions taken
8 against pharmacists or pharmacies."

9 Do you see that?

10 A. Yes.

11 Q. What does that mean?

12 A. That means that particularly the folks
13 within the corporate security and specific -- those
14 who were involved in investigations would aggressively
15 go after information in the public domain that may be
16 relevant to actions that a pharmacist or a pharmacy
17 was taking that may have been -- may have pointed to
18 inappropriate activities as it relates to prescription
19 drugs.

20 Q. And would this type of information be put
21 in the database as well?

22 A. It would be put in the ultimate -- yeah,
23 the ultimate data -- the aggregation of all of the
24 data. The numbers were part of it, the information

1 was another part of it, and then it would all be
2 brought together.

3 Q. And if I was at my desktop and I was
4 looking on the Suspicious Order Monitoring Sales
5 Database and if there had been a -- some public domain
6 information that had been identified by corporate
7 security or investigations, could I -- could I click
8 on that and see it or would there be a summary of what
9 that was or --

10 A. You would see a summary of it before we
11 met.

12 Q. And -- and that summary would be prepared
13 by the individuals who -- who tracked that down?

14 A. It -- it would be generally prepared by
15 Giselle Issa.

16 Q. And so corporate security or
17 investigations would give that information to Giselle
18 Issa and she would create the summary?

19 A. Yes.

20 Q. And somebody, maybe her or maybe somebody
21 else would actually input it into the database?

22 A. Yes.

23 Q. Do you know what the timeframe for that,
24 how long that would take?

1 A. I don't know.

2 Q. So is it a -- the discussions with
3 wholesalers and when that went into the database,
4 would that go to Giselle first as well?

5 A. It would probably be fed to her, yes.

6 Q. What about the data supplied that
7 identified outliers or indicia of potential concern,
8 would that go to Giselle Issa first?

9 A. Well, others could see it, but she would
10 probably get it to -- to aggregate it.

11 Q. So would it be -- if we -- if we look at
12 this chart, would it be -- would it be fair to say
13 that all of this information first goes to Giselle and
14 then it goes to the OMS team review?

15 A. It would be safe to say that it was
16 aggregated by Giselle before the team reviewed it.

17 Q. Okay. And with --

18 A. But, again, there was -- there was --
19 among those of us on the team, there was transparency.

20 Q. I think I understand what that means,
21 but -- but, for example, you might know something
22 about some data that might be some public domain
23 information that would be collected by corporate
24 security?

1 A. Um-hum.

2 Q. That would all be collected, aggregated by
3 Giselle Issa --

4 A. Um-hum.

5 Q. -- then it would be transparent to you, is
6 that correct?

7 A. Correct, right.

8 Q. And what would she prepare before -- for
9 the OMS team to review? So she -- she puts all of
10 this together and then what would she prepare for you?

11 A. She would prepare a -- a series of reports
12 on individual pharmacies that the team needed to
13 review with all pertinent data and she would provide
14 follow-up reports on accounts where we sought
15 additional data and which had not been resolved prior,
16 at prior meetings.

17 Q. What's the -- is Giselle her first name or
18 her last name?

19 A. First name.

20 Q. Okay. And what's her -- what's her
21 background?

22 A. I don't know. She was always in the legal
23 department, but I don't know what her background was.

24 Q. Is she a lawyer?

1 A. I don't believe so, but I don't know.

2 Q. Okay. But she is legal department?

3 A. Yes.

4 Q. Do you know if she is -- I think I asked
5 you.

6 Is she still there, do you know?

7 A. I don't know.

8 Q. And then after the OMS team review, were
9 those -- how often were those team reviews held?

10 A. Every three to four weeks.

11 Q. And then it would go to either "Complete,
12 Referred" or "DEA Referral".

13 Do you see that?

14 A. Yes.

15 Q. So if the OMS team determined there was
16 sufficient information regarding the potential
17 suspicious order, what, it -- it would be shipped or
18 what would happen?

19 A. I don't -- I don't understand the
20 question.

21 Q. I'm just reading what it says here. So in
22 this box it says: "Complete, Referred."

23 Do you see that?

24 A. Yes. "Complete, referred" is in reference

1 to whether it has been referred to the DEA or not.

2 Q. And what does that -- was it or was it
3 not?

4 A. Complete would mean the report was
5 complete. And if the team determined that there was
6 sufficient information as it relates to potential
7 suspicious orders, the account would be referred to
8 the DEA and generally the local DEA office of where
9 the pharmacy was.

10 Q. And -- and what happens if the
11 determination of the team is that there was -- it --
12 it was not a potential suspicious order?

13 A. If it was deemed complete and no action
14 was --

15 Q. So when it says "complete" here, that
16 means no action with respect to the DEA, correct?

17 A. I'm --

18 MR. HOFFMAN: Object to form.

19 BY THE WITNESS:

20 A. I'm really not -- again, I didn't prepare
21 this document. I believe this document from after --
22 was created from the time after I was there. So I
23 don't know exactly what the person meant in that box
24 who created that. If it was me, I might have worded

1 it differently, but...

2 Q. Well, you were there. How would you have
3 worded it after it went through the OMS team review?

4 What would -- how -- how would you fill
5 that box out?

6 A. I would fill it out, probably give a
7 better definition of what complete -- complete means.

8 Q. And what would -- what would you say?

9 A. Complete reviewed non-referral.

10 Q. Non-referred, not -- non-referred to the
11 DEA?

12 A. Right.

13 Q. So complete would mean the investigation
14 was complete and no action, no DEA?

15 A. No action was taken.

16 Q. Okay. Complete.

17 So your version of this box would be
18 complete, no action necessary, is that fair?

19 MR. HOFFMAN: I'd just object.

20 BY THE WITNESS:

21 A. I would -- I don't know if I would say not
22 necessary. I would say it was complete and not -- not
23 referred.

24 BY MS. CONROY:

1 Q. And by saying "not referred," you mean not
2 referred to the DEA?

3 A. Right. And that -- it may be a pharmacy
4 that -- we would not stop reviewing all of the
5 pharmacies after we deemed them complete. So
6 something could happen again, so...

7 Q. Sure. It would all start again the next
8 day, right?

9 A. Yeah.

10 Q. I mean, it would -- yeah, I -- I didn't
11 mean to infer that no action forever. I just mean it
12 would be --

13 A. Right, that's -- that's --

14 Q. So this -- this particular investigation
15 of either an outlier or indicia of initial concern, a
16 purchase trend, something that shows up on ADD report
17 or something public, the OMS team would have reviewed
18 whatever Ms. Issa aggregated from that and then they
19 would make a decision whether there was going to --
20 whether the investigation was complete, no referral to
21 the DEA, or we need to refer this to the DEA?

22 A. And also missing from the box is there
23 could be additional review taken, so. Complete just
24 means that it was thoroughly reviewed.

1 Q. Okay.

2 Oh, so there -- there could be potentially
3 another box that would be still investigating?

4 A. Could be.

5 Q. And at some point that investigation would
6 end and it would be either complete or --

7 A. Referred.

8 Q. -- or the DEA referral?

9 How did the DEA referral take place?

10 A. Generally it was, again, an individual
11 within corporate security or CAA -- CSA compliance or
12 I would imagine on some occasions Robin herself would
13 contact DEA office.

14 Q. Was there a -- did -- was that ever
15 anything that you did?

16 A. No.

17 Q. And do you know if there was a form for
18 that or anything in particular the way that was done?

19 A. I don't know.

20 Q. Was there any kind of a reference on the
21 Suspicious Order Monitoring Sales Database that would
22 indicate that a particular pharmacy or wholesaler had
23 been reported to the DEA?

24 A. Yes, there would be. It would be noted as

1 referred.

2 Q. And that's what it would say, referred?

3 A. Yeah.

4 Q. And do you know who was responsible for
5 entering that onto the database?

6 A. My assumption is Giselle Issa, but I don't
7 know for sure.

8 Q. The next, what's been marked as Exhibit 4,
9 which is Topics 13 and 14, which is the HDMA --

10 A. Um-hum, yes.

11 Q. -- and what does HDMA stand for again?

12 A. Health Distribution Management
13 Association.

14 Q. Health Distribution Management
15 Association?

16 A. Um-hum, yes.

17 Q. What is that?

18 A. The association that represents the
19 distribution arm of the pharmaceutical industry.

20 Q. The distribution arm of the pharmaceutical
21 industry.

22 When did you first hear about HDMA?

23 A. Well, I knew of -- of HDMA from the time I
24 was in the field as a manager and representative.

1 Q. Is -- is Purdue Pharma a member of Health
2 Distribution Management Association?

3 A. They were. I don't know if they are
4 today.

5 Q. And how does one become a member, do you
6 know?

7 A. You ask to join and you pay the dues.

8 Q. And were you a member yourself
9 individually?

10 A. No. You are a member as an organization.

11 Q. So you don't have to -- you don't have to
12 be an individual member?

13 A. I -- I could be, but I don't want to be.

14 Q. But -- but you didn't need to be, you were
15 already --

16 A. I didn't need to be.

17 Q. -- a member?

18 A. Yes.

19 Q. Did you have -- were there any sorts of --
20 did you have a membership card or a membership number,
21 anything like that?

22 A. I'm -- I assume there was a membership
23 number. I didn't -- I wasn't a card carrying member,
24 though.

1 Q. Okay. And you didn't need -- you didn't,
2 yourself, need to pay the dues, somebody in the --

3 A. No, no.

4 Q. -- in the corporation paid them?

5 A. Yeah.

6 Q. Do you know if there is any kind of a
7 selection process to become a member of HDMA?

8 A. You'd have to ask the folks at HDMA.
9 Mostly it was manufacturers and wholesalers. So I
10 guess there was a criteria of what they saw as a
11 manufacturer or a wholesaler.

12 Q. Okay. And how often were there HDMA
13 meetings?

14 A. There were -- HDMA did things like
15 seminars and meetings on a fairly regular basis.
16 There were two major meetings that they had a year
17 that I attended. One was a management con --
18 conference and one was a business-to-business
19 conference.

20 Q. What was the difference between the
21 management and the business to business?

22 A. The distribution management conference was
23 more a technical meeting, a topic meeting. The
24 business-to-business meeting was -- was pharmaceutical

1 speed dating where you met for, like, 20, 15,
2 20 minutes with various people from wholesalers for
3 two or three days.

4 Q. Okay.

5 And when did -- where -- where would the
6 meetings take place generally?

7 A. All over the country.

8 Q. And they would be twice a year, is that --

9 A. Twice a year. Generally, I don't know if
10 they've changed, generally March for the distribution
11 management and September/October for the business to
12 business.

13 Q. And you provided these names to your
14 counsel?

15 A. Yes.

16 Q. We know who Robin Abrams is.

17 Who is Chuck Forsaith?

18 A. Chuck Forsaith is responsible -- he works
19 under the umbrella of corporate security and is
20 responsible for supply chain security.

21 Q. Russ Gasdia was the national head of sales
22 and marketing?

23 A. Yes.

24 Q. Are you in contact with Mr. Gasdia at all?

1 A. Yeah, on occasion.

2 Q. Did you speak with him about his
3 deposition?

4 A. No, I did not.

5 Q. Who is Aaron Granham?

6 A. Our former vice president of corporate
7 security.

8 Q. Is he still with the company, do you know?

9 A. No, he is not.

10 Q. James Lang?

11 A. He was Russ Gasdia before Russ Gasdia was
12 there.

13 Q. Okay. And he is retired?

14 A. Retired.

15 Q. Do you remember approximately when he
16 retired?

17 A. I think 2004.

18 Q. Alan Must?

19 A. I think he has a different title now, but
20 at that time he was the VP of state government
21 affairs.

22 Q. He is still with the company as far as you
23 know?

24 A. I believe he is, yes.

1 Q. Okay. Burt Rosen?

2 A. Burt Rosen was federal government affairs,
3 also VP.

4 Q. Do you know if he is still there?

5 A. I don't believe so, but I'm not sure.

6 Q. Yourself.

7 And who is Laura Watson?

8 A. Director of customer service.

9 And just thinking about it, actually,
10 Steve Projansky who worked with me also would have
11 attended that meeting.

12 Q. Okay. What about Giselle Issa?

13 A. She might have gone when Robin did a
14 presentation, but I can't tell you for sure if she did
15 or not.

16 Q. What was the -- did -- did HDMA provide
17 value to you in your job?

18 A. Value as to what?

19 Q. To -- with respect to any -- any of your
20 job responsibilities at Purdue, was it -- was it a
21 useful thing for you to be involved with HDMA?

22 A. I believe it was.

23 Q. And -- and why would you say that?

24 A. Because they were the association that was

1 responsible that all of the wholesalers that we dealt
2 with were members of. That there were various topics
3 that crossed manufacturers and wholesalers that were a
4 value to gain a better understanding of, provide input
5 into. So from that standpoint they were valuable.

6 Q. Was it a -- a resource for you?

7 A. In some ways it was a resource. There was
8 data available through them.

9 Q. Was it a way to get together with other
10 manufacturers and distributors to discuss issues like
11 suspicious order monitoring?

12 A. It was a way to get together with
13 manufacturers and wholesalers. Topics varied.

14 Q. Do you recall that suspicious order
15 monitoring was one of the topics that was discussed?

16 A. Well, there were presentations at several
17 meetings on suspicious order monitoring.

18 Q. Who would -- who would be -- who would be
19 giving the presentations?

20 A. Various people.

21 Q. Would they also be members that were
22 giving the presentations?

23 A. Some were, some were outside, some were
24 outside experts.

1 Q. I think you mentioned that Ms. Abrams gave
2 a presentation at one point?

3 A. At least one, yes.

4 Q. And what would she give a presentation on?

5 A. Suspicious -- suspicious order monitoring.

6 Q. Okay. Did you help her with that?

7 A. I'd probably like to say I did, but she
8 was pretty competent in her own right, so --

9 Q. I didn't mean --

10 A. -- probably not much.

11 Q. Yeah, I didn't mean to suggest that she
12 wasn't, but, I mean, would you have -- would you have
13 kind of looked it over, or maybe supplied some slides
14 for her or whatever?

15 A. I -- I don't even -- I don't even remember
16 looking it over, to tell you the truth.

17 Q. Okay.

18 A. It was good.

19 Q. Would she have given it at the
20 business-to-business or the management meeting?

21 A. Oh, no. At the distribution management
22 conference.

23 Q. Do you think she did it more than once?

24 A. She may have done it more than once. I do

1 remember one in particular.

2 Q. Did you ever present?

3 A. I introduced speakers a couple of times,
4 but I never presented.

5 Q. Were there any tiers with respect to
6 membership that you know of HDMA where, you know,
7 there were, you know, lifetime members or founding
8 members or sponsoring members, anything like that?

9 A. I know there are people who did
10 sponsorships, but I don't remember any tiers.

11 Q. Also included in this folder is -- it
12 doesn't have a Bates on it. It looks like a -- some
13 sort of a document called Supply Chain Security
14 Guidelines.

15 A. Um-hum.

16 Q. Do you see that?

17 A. Yes.

18 Q. Did you provide this to your counsel?

19 A. Did my counsel provide this to me?

20 Q. No. Did you provide it to your counsel?

21 A. Oh, no. No, I didn't provide this to my
22 counsel.

23 Q. Have -- had -- had you seen this document
24 prior to reviewing for your deposition?

1 A. Yes.

2 Q. And what did you -- why -- what was the
3 purpose of looking at this document before preparing
4 for the deposition?

5 A. It was partner in our -- to our
6 relationship with HDMA.

7 Q. And why is that?

8 A. Because Purdue was considered to be
9 implementing state of the art supply chain security,
10 and Chuck Forsaith, who was mentioned previously, is
11 a -- an acknowledged expert in this area and was
12 involved I'm guessing with a -- significantly with
13 this report. I was not.

14 Q. You were -- you are calling this a report?

15 A. I think this -- well --

16 Q. That's okay. I just -- whatever.

17 I see, if we turn the page, it says:

18 "Supply chain security guidelines: A risk assessment
19 methodology for protecting in-transit shipments within
20 the US pharmaceutical supply chain."

21 Do you see that?

22 A. Yes.

23 Q. And this was copyrighted in 2011 by HDMA.

24 Was this -- was this something that was

1 prepared or contributed to by Mr. Forsaith?

2 A. I believe it was.

3 Q. How do you -- how do you know that?

4 A. Because when the wholesale industry looked
5 to somebody who was expert in that area, Chuck was
6 usually the first person they went to.

7 Q. And is this a document that you would
8 refer to while you were at Purdue?

9 A. No, it would not be.

10 Q. And why is that?

11 A. Because it was important for me that the
12 products got from Point A to Point B safely, but I was
13 glad that there were people other than myself who were
14 responsible to make sure that got done. So they would
15 refer to this.

16 Q. And let's -- let me just go back to that
17 chart that we saw.

18 Where would something like this Supply
19 Chain Security Guidelines -- well, let me ask you
20 this.

21 Does the Supply Chain Security Guidelines
22 have something to do with suspicious order monitoring?

23 A. No.

24 Q. Okay. And it's -- it's separate from

1 suspicious order monitoring?

2 A. It is separate from suspicious order
3 monitoring. It's the safe storage receipt, safe --
4 safe storage transportation receipt and then storage,
5 again, of controlled substances -- of I should say
6 pharmaceuticals in general.

7 Q. And that was Mr. Forsaith's area?

8 A. That's his bailiwick, yes.

9 Q. Okay. And what was his -- I think I wrote
10 it down.

11 He was corporate security?

12 A. Um-hum.

13 MR. HOFFMAN: Jayne, just so you know, you
14 are -- you are at an hour 20.

15 MS. CONROY: Okay.

16 BY MS. CONROY:

17 Q. The other documents in the HDMA, if you
18 look through them, did you -- we can identify them or
19 they'll be identified off the record.

20 Are these documents that you collected?

21 A. I did not collect them or provide them,
22 no.

23 Q. The final document is a PowerPoint slide
24 deck with Robin Abrams.

1 Do you think that's at least one of her
2 presentations?

3 A. Yes.

4 Q. I see that it was dated March 8th of 2012.

5 Do you recall, just looking at it, whether
6 you had anything to do with helping to prepare it?

7 A. No. I attended, though.

8 Q. Okay. Let's look at Exhibit 5. And this
9 is the Topic No. 50, which is wholesalers.

10 A. Um-hum. Yes.

11 Q. Did you put these documents together?

12 A. Some of them, not all of them. I -- I
13 didn't put them together and provide them.

14 Q. Okay. Did you review all of these dep --
15 these documents in preparation for your deposition?

16 A. I reviewed some of them, not -- not all of
17 them. I think most of them.

18 Q. Most of them what?

19 A. I did review them.

20 Q. Okay. If you go to a little bit -- a few
21 documents in, the report to the OMS team,
22 September 29th, 2010, about SafeScript Pharmacy. It
23 looks like --

24 A. One more, SafeScript, yes.

1 Q. Would this be something -- where it says:
2 "Report to OMS Team," would that be to the OMS
3 committee or the SOM committee we were talking about
4 earlier?

5 A. Yes, it would be.

6 Q. Is this the sort of document that Giselle
7 Issa would have put together from aggregate
8 information and provided it to the committee for
9 review?

10 A. Yes. This is the kind of detailed
11 document she would put together.

12 Q. Is the -- I don't see any other standard
13 operating procedures or protocols with respect to
14 suspicious order monitoring in your collection.

15 So is the one that we looked at a bit ago
16 that was in Exhibit 3, is that the only one that you
17 are familiar with?

18 A. That's the only one that I am familiar
19 with.

20 Q. Is that the only one that you used?

21 A. That's the only one that I am familiar
22 with.

23 Q. Have you ever heard of Protocol 7.7?

24 A. 7.7?

1 Q. Is that familiar to you? It is not in
2 these documents, but is that -- is that --

3 A. Protocol 7.7?

4 Q. Yes.

5 A. I don't know. I have no idea.

6 Q. Okay.

7 MS. CONROY: At this point, from Plaintiff's
8 point of view, we are going to suspend the 30(b)(6).
9 We do have a -- a pending motion or a meet and confer,
10 I think we've spoken about this, with Special Master
11 Cohen about seeking additional time for Purdue's
12 30(b)(6), but thank you and we will take a break,
13 figure out -- I think our LiveNote works, but...

14 MR. HOFFMAN: Yeah, and I -- I will have just a
15 few follow-up questions on a couple of documents that
16 you referred to.

17 MS. CONROY: Okay.

18 MR. HOFFMAN: It shouldn't be long, but...

19 MS. CONROY: That's fine.

20 THE VIDEOGRAPHER: We are off the record at
21 11:23 a.m.

22 (WHEREUPON, a recess was had
23 from 11:23 to 11:38 a.m.)

24 THE VIDEOGRAPHER: We are back on the record at

1 11:38 a.m.

2 EXAMINATION

3 BY MR. HOFFMAN:

4 Q. Good morning. Again, Mr. Seid, how are
5 you?

6 A. Good morning. I'm fine. Thank you.

7 Q. Again, for the record, my name is Nathan
8 Hoffman. I represent Purdue, and now it is my chance
9 to ask you some questions, okay?

10 A. Yes.

11 Q. I want to go back and primarily discuss
12 the order monitoring system, or as it has been
13 referred to, the suspicious order monitoring system,
14 and I'd like to start with the SOP that you had some
15 discussion with Plaintiff's counsel about. It's in
16 Group Exhibit 3. And, again, for the record, it is
17 PPLPC031001491482.

18 So this is the SOP dated March 23, 2009,
19 on the order monitoring system that you had some
20 discussion with Ms. Conroy about, is that right?

21 A. Correct.

22 Q. I just want to go into a little more
23 detail into the process, and if you would, please,
24 turn to the second page. I'd like to discuss with you

1 in some detail some of the inputs that went into the
2 order monitoring system for review.

3 In the paragraph there, the first
4 paragraph that I have highlighted, it says:

5 "As part of this SOP, Purdue has
6 instituted and developed an OMS program to review data
7 received from Purdue's authorized distributors per
8 fee-for-service (FFS data) contracts."

9 Do you see that?

10 A. Yes.

11 Q. I don't think we've defined yet what FFS
12 data is or those contracts.

13 Can you help us understand what that
14 means?

15 A. We had contracts with all of our
16 wholesalers, some in the industry called them
17 distribution service agreements.

18 "FFS" stands for fee-for-service. These
19 are negotiated contracts, and as part of the contracts
20 we receive data from them. The data encompasses a
21 broad base of information, including what is in their
22 distribution system. It gives us insight to orders
23 out, which means out of the wholesaler into the
24 retailer, and from which specific DC or distribution

1 center that product is going. And we can see -- it
2 gives us insight, therefore, to product on hand at a
3 retailer and what their sales volume of a particular
4 retailer would be for our items by product by SKU, by
5 stock keeping unit.

6 Q. Okay. So if I understand correctly, the
7 data that would be received by Purdue from its
8 wholesale distributors would include the data at the
9 wholesale level, No. 1, as well as data at the retail
10 level, No. 2, and then also regionally as to where it
11 was distributed within different regions of the
12 country.

13 Would that be an aspect of it?

14 A. It would be more spe- -- it would be down
15 to -- regionally, yes, but it would be down to street
16 level. It would be store.

17 Q. Okay. The exact address --

18 A. Right.

19 Q. -- where -- where the --

20 A. Yeah, yes.

21 Q. -- the products ended up?

22 A. Yes.

23 Q. At a -- at a retail level for example?

24 A. Right.

1 Q. And you would have that data, you said, by
2 SKU, meaning for each individual product and the lot
3 that was shipped, and would it go down all of the way
4 to the individual bottles that were shipped?

5 A. We would know the number of bottles.

6 Q. Okay.

7 A. We wouldn't know lots.

8 Q. Okay.

9 A. That's -- that's a different system.

10 Q. Got it.

11 But all of these data would be coming into
12 Purdue on, would it be a monthly basis?

13 A. Depending on the contractual arrangement
14 with the wholesaler and minimum would be weekly, but
15 for most it was daily and in my negotiations I pushed
16 for daily.

17 Q. Okay.

18 A. I wanted optics on it.

19 Q. So every single day Purdue would receive
20 these data from the wholesalers that would go down to,
21 as you referred, the street level to the exact address
22 and the pharmacy where the product ended up?

23 A. Um-hum, yes.

24 Q. And all of those data would go into, as I

1 understand it, the order management or the order
2 monitoring system?

3 A. The database for the order monitoring
4 system, yes.

5 Q. Okay. Let's go on.

6 It says: "The program uses certain
7 specified parameters to determine which accounts,
8 wholesaler or retail, shall be subject to further
9 review in an effort to ascertain whether any order or
10 series of orders meet the standards of being 'suspect'
11 and warrant a potential DEA referral."

12 Do you see that?

13 A. Yes.

14 Q. And is that -- is that a -- just a general
15 description of the -- the overall purpose of the OMS
16 system?

17 A. That's a general description of the
18 overall purpose.

19 Q. Okay. It goes on to say:

20 "An account will be reviewed as part of
21 the OMS program if the FFS data entered falls," it
22 says "falls outside established parameters based upon
23 certain norms, or other indicia are present that
24 suggest further review is appropriate."

1 Let me stop there. When -- when the SOP
2 says "falls outside of established parameters" and it
3 mentions "certain norms," you may have discussed this
4 briefly earlier, but how were those established
5 parameters, certain norms, how did Purdue come to put
6 those into place? In other words, what were the,
7 generally speaking, the parameters and the certain
8 norms that the data was judged against, how did Purdue
9 come up with those?

10 A. A condensed version of how that was done
11 would be if you looked at a particular product and
12 that particular bot -- product had four strengths and
13 we knew what percentage of our business was in any
14 given strength and what our prescription level was in
15 any given strength, so what we would look at and
16 create algorithms as related to that would be things
17 like volume, does it exceed or does it not meet --
18 meet a certain level for volume.

19 Second, we would look at the particular
20 combination of strengths. In the case of the opioids,
21 we would be -- what might be an area of concern is if
22 a large part of the ordering was in a higher strength
23 as compared to a lower strength based on norms. And
24 we'd add in other aspects, like are they buying our

1 other products, which would indicate, for example,
2 that they were a full line, in quotes, pharmacy.

3 Q. Okay. And, in fact, the SOP mentions some
4 of the factors at least considered at this point in
5 time in March of 2009.

6 Do you see those down here?

7 A. Yes.

8 Q. Okay. We'll get there in a -- in a -- in
9 a minute.

10 It goes on to say: "The criteria are
11 based on looking at the population of retail customer
12 data received via FFS and identifying," it says
13 "outliers based on statistical analysis (i.e. based on
14 average and standard deviation of comparable customer
15 populations)."

16 And was that what you were just
17 describing --

18 A. Yes.

19 Q. -- in terms of some of the factors --

20 A. Absolutely.

21 Q. -- that were looked at?

22 And that all went into, I think you said
23 it was an algorithm, a computer algorithm?

24 A. We would create, yes, a comp -- an

1 algorithm utilizing the data.

2 Q. Okay. And --

3 A. I had a database of the data. That was
4 for me.

5 Q. Okay. Okay.

6 A. And we fed that data into the system.

7 Q. I see.

8 And then listed here are some of the
9 factors, includes: "Number of wholesalers from which
10 retail account purchases, number of times retail
11 account orders the same product the same day,
12 percentage of order including Purdue products other
13 than OxyContin, total dollar value of OxyContin, and
14 then percentage of 80-milligram strength being
15 purchased."

16 Do you know whether some of these criteria
17 may have evolved over time as you continued to review
18 and analyze the data?

19 MS. CONROY: Objection.

20 BY THE WITNESS:

21 A. I think it evolved over time and it was
22 refined over time.

23 BY MR. HOFFMAN:

24 Q. Okay. But -- but is it fair to say based

1 upon these factors, the algorithm would essentially,
2 for lack of a better term, throw up a red flag and say
3 a particular order or series of orders may be suspect?

4 A. Yes.

5 MS. CONROY: Objection.

6 BY MR. HOFFMAN:

7 Q. Okay. And how would you receive that,
8 again, red flag or indication that there may be a -- a
9 suspicious order?

10 A. Well, for this system it would be, again,
11 based on this criteria. And against an average or a
12 norm that we would -- it would -- it would jump out at
13 us.

14 Q. So --

15 A. You didn't have to search for it. It
16 would be there.

17 Q. So on the -- what -- what I'm -- I guess
18 what I'm asking is, as a practical matter when you
19 were on your laptop or your computer, would it just --
20 would there be an alert or some kind of indication to
21 you?

22 A. There were -- well, there were two --
23 there were two systems that were parallel. This SOP
24 refers primarily to what was going into a pharmacy,

1 but you also had an alert system for -- for what was
2 being sold to a wholesaler, and those would hit,
3 first, customer service -- well, it would come up on
4 my screen, but it would -- customer service would be
5 alerted, I would be alerted and Steve Projansky who
6 was my associate director would be alerted. And if
7 those orders to wholesalers didn't meet certain
8 criterias, there were alerts sent.

9 Q. Okay. So you had the wholesaler orders
10 and then you also had alerts that were sent at the
11 retail level as well for certain pharmacies?

12 A. No. The -- there would not be alerts.
13 We'd have to -- we used the OMS system to identify the
14 a -- the alerts, if you will --

15 Q. Okay.

16 A. -- for the pharmacies.

17 Q. Okay. And so what you've just described
18 is, when we -- if we go back to this order monitoring
19 system overview schematic, what you've just described,
20 is that -- is that in this box over here on the -- on
21 the left?

22 A. That would be, yes, the data supplied by
23 wholesalers on sales of Purdue products.

24 Q. Okay. And then if -- if an order or

1 series of orders were -- if they were flagged, the SOP
2 then goes on to discuss how the review of the accounts
3 would be conducted.

4 Do you see that?

5 A. Yes.

6 Q. Okay. It talks about an interdisciplinary
7 group, including representatives of the Office of
8 General Counsel, CSA compliance, national accounts and
9 corporate security --

10 A. Um-hum.

11 Q. -- would meet --

12 A. Yes.

13 Q. -- and then they would have a discussion,
14 including maybe a follow-up discussion with the
15 authorized distributor, and then, if warranted, there
16 would be a referral that would be made to the DEA that
17 would be handled by CSA compliance.

18 Do you see that?

19 A. Yes.

20 Q. And I don't know if we've defined what CSA
21 compliance is yet.

22 What is -- what is that department?

23 A. Controlled substance.

24 Q. Okay. And you would have been in national

1 accounts, obviously?

2 A. Yes, I was national accounts.

3 Q. So this SOP goes on to describe various
4 groups that would be involved in the internal review
5 process, is that right?

6 A. Correct.

7 Q. So we have national accounts, CSA
8 compliance, and then it talks about:

9 "The pertinent field representative and
10 his or her supervisor will be notified when a retail
11 account requires further scrutiny from a local
12 representative with respect" -- excuse me -- "with a
13 request to provide certain information."

14 Now, I understand that that wouldn't
15 necessarily be your area, but was that part of the
16 information that was collected, it would -- it would
17 be interviews of sales representatives and district
18 managers, perhaps, to provide additional information
19 regarding the pharmacy accounts?

20 A. Yes, they would.

21 Q. It talks about after -- after sales force
22 responds, then there is a review by corporate
23 security.

24 Do you see that?

1 A. Yes.

2 Q. And then following corporate security
3 review, it says it -- it may be marked for CSA
4 compliance review?

5 A. Yes.

6 Q. And then: "The reviewing team under the
7 guidance and direction of general counsel would then
8 discuss and perform," it says, "next steps as
9 appropriate and coordinate its assessment with the
10 authorized distributor."

11 Do you see that?

12 A. Yes.

13 Q. And is that generally consistent with your
14 recollection of how the OMS team review process
15 worked?

16 A. Yes.

17 Q. And so that would be -- so after we have
18 all of these various inputs, now we are talking about
19 this review right here, is that right?

20 A. Yes.

21 Q. Okay. The SOP then goes on to talk about
22 actually three final status values that could be
23 assigned.

24 Do you see that?

1 A. Yes.

2 Q. So one is -- is: "Pending, action: This
3 indicates that the team has completed its initial due
4 diligence and feels that further inquiries must be
5 made in order to properly assess the account and/or
6 coordination with the authorized distributor must be
7 scheduled."

8 See -- did you see that?

9 A. Yes.

10 Q. So this means that the -- the inquiry is
11 essentially just still ongoing, is that fair?

12 A. Yes.

13 Q. The next status is: "Complete, closed:
14 This indicates that the team took an action or it was
15 concluded by the team that the account was not a
16 concern based on available information - no further
17 review at this time."

18 Do you see that?

19 A. Yes.

20 Q. So would that indicate an example that
21 Ms. Conroy discussed with you earlier where the review
22 was complete but it -- that order or that outlet is
23 not referred to the DEA?

24 A. Correct.

1 Q. Okay. And then our final category is:
2 "Complete, referred: This indicates that it was
3 determined that there was sufficient information that
4 indicated a potential suspicious order, thus requiring
5 referral to the local DEA field division office. If a
6 referral is made, Purdue will notify its authorized
7 distributor of such action."

8 Do you see that?

9 A. Yes.

10 Q. So that's kind of our final category. And
11 just so we are clear on our schematic here again,
12 it -- there are three categories, but it -- it is
13 actually talking about just that -- that last
14 category, is that fair?

15 A. Yes. Yes.

16 Q. Okay. And then it talks about the -- the
17 DEA referral actually being made over here, is that
18 right?

19 A. Correct.

20 Q. Okay. And, again, is this all generally
21 consistent with your recollection of how the process
22 worked --

23 A. Yes, it is.

24 Q. -- dur- -- during your time at Purdue?

1 A. Yes, it is.

2 Q. I want to go now to the PowerPoint which
3 was in Group Exhibit 4. And I guess before we discuss
4 this exhibit in some level of detail, I recall that
5 you mentioned a couple of times on the record that
6 it's your belief that Purdue's suspicious order
7 monitoring system was state of the art, you referred
8 to it as state of the art a couple of times.

9 Do you recall that?

10 A. Yes.

11 Q. Why did you refer to it as state of the
12 art?

13 A. Well, for a -- a couple of reasons, is
14 that I believe from what I ascertained from the
15 industry is that it appears that we started sooner
16 than most and took a more vigorous approach than most
17 to putting a robust suspicious order monitoring system
18 in place.

19 I know for -- well, I shouldn't say for a
20 fact. I'm confident that we were the first
21 distributor to aggressively reach out to the
22 wholesaler and say, This is a concern and we need to
23 work together, which, quite frankly, met some
24 resistance at the wholesalers, like, basically, mind

1 your own -- your business and we'll mind ours, but we
2 didn't want to take that approach.

3 The other aspect was that we were the
4 first that I am aware of that developed the kind of
5 algorithms that we developed in our system, so much so
6 that our vendor, for just raw data, basically took
7 their understanding of our modeling, created a module
8 that they marketed to other people, really, based on
9 the way that we did it, because that's how robust and
10 how unique it was.

11 Q. Okay.

12 A. So we were -- we were very confident
13 that -- and I think that's one of the reasons that
14 Robin was invited to give this -- this talk, because
15 we had -- we were so -- we seemed to be further down
16 the road, if you will, than most manufacturers as
17 related to suspicious order monitoring.

18 Q. You mentioned some initial conversations
19 with wholesalers.

20 Is it fair to say over time that you did
21 work collaboratively with the wholesalers in terms of
22 suspicious order monitoring?

23 A. Yes, we did.

24 MS. CONROY: Objection.

1 BY MR. HOFFMAN:

2 Q. Now, if we go to the PowerPoint that's in
3 Group Exhibit 4. For the record, it's
4 PPLPC004000317962.

5 And is this the PowerPoint presentation by
6 Robin Abrams that you discussed briefly earlier today
7 with Plaintiff's counsel?

8 A. Yes.

9 Q. And this was presented at an HDMA
10 conference in March of 2012, is that right?

11 A. Yes, the distribution management
12 conference.

13 Q. You mentioned earlier today your
14 recollection that the OMS program as described in the
15 SOP may have started back in or around 2007, is that
16 right?

17 A. Yes.

18 Q. And does the PowerPoint recount the DEA
19 correspondence that you referred to earlier?

20 A. I'm sorry. One more time, the --

21 Q. On Slide 3, I'm sorry, Slide 3, it says:
22 "History of the Purdue OMS program"?

23 A. Yes.

24 Q. Do you see there at the top where it says:

1 "Followed DEA correspondence"?

2 A. Yes, I'm sorry.

3 Q. Is that the correspondence you referred to
4 earlier in --

5 A. Yes, it is the correspondence I referred
6 to earlier.

7 Q. And you believe it was around 2007?

8 A. September of 2006 and December of 2007.

9 Q. Okay. And it mentions that the expanded
10 program was launched in 2008.

11 Do you see that?

12 A. Correct.

13 Q. And then the SOP that we just looked at
14 was finalized in March of 2009, is that right?

15 A. Correct. Yes.

16 Q. Now, we've already talked about some of
17 the OMS information sources, including the FFS data.

18 A. Um-hum, yes.

19 Q. And then it also mentions: "IMS
20 outlet/prescriber data and sales ops outlier
21 analyses."

22 A. Yes.

23 Q. I'm not sure, maybe it is just me, I don't
24 know if we've defined all of that yet.

1 Do you have some understanding as to what
2 that's referring to?

3 A. Separate from the data that we received in
4 national accounts, there was outright data -- outlet
5 data available through IMS that our sales ops
6 department used.

7 Also, again, you asked about why I felt we
8 were state of the art. I'm not confident that other
9 manufacturers, at least early on, tried to link
10 prescribers to the data, which we did early on. So
11 what it refers to here is that if there was a pharmacy
12 that we had questions about, we tried to look at using
13 this segment, the prescribers that were sending
14 prescriptions to that pharmacy.

15 Q. Okay. And, in fact, I think on the next
16 page there is some definitions of that. It mentions
17 pres -- well, maybe -- maybe -- maybe it's separate.
18 Let's -- let's just go through it one --

19 A. No, it's on the next page.

20 Q. Let's go through it one step at a time.
21 Maybe it is separate. Let me just finish off with --

22 A. Okay.

23 Q. -- some of these other areas.

24 It mentions: "Sales force reports of

1 concern" --

2 A. Um-hum. Yes.

3 Q. -- which I think may have been mentioned
4 earlier.

5 "Prescriber program information." If we
6 look on the next page, it says: "Prescriber Program:
7 Focus in on prescriber and Rx history/patterns," and
8 then it also talks about OMS, which is what we just
9 referred to, as -- with the dispenser or the
10 pharmacist and order histories or patterns.

11 Do you see that?

12 A. Yes.

13 Q. So -- so how was the prescriber program,
14 if you know, different from the OMS system?

15 A. I was not responsible for the prescriber
16 program.

17 Q. Okay.

18 A. So the only thing I can attest to as it
19 relates to this, Nathan, is the fact that it was a way
20 where you could find appropriate as opposed to
21 inappropriate prescribers that may have been
22 utilizing -- sending their patients to a particular
23 pharmacy.

24 A simple example is that if there was a

1 pharmacy that was dispensing a significant amount of
2 OxyContin across the street from Memorial Sloan
3 Kettering and the prescribers sending patients to that
4 pharmacy where we could track the scripts were
5 primarily oncologists or pain management specialists,
6 often associated with the hospital, we felt very
7 confident that although their volume was high and may
8 have been higher in the stronger, higher doses,
9 strengths, that those were probably for legitimate
10 patients, probably, you know, we didn't -- because of
11 HIPAA, I mean, we didn't know what the diagnosis was,
12 but probably for -- for cancer patients.

13 Conversely, if there was a -- a pharmacy
14 where -- in the database where the prescriber may have
15 been concerned, if they were feeding a pharmacy, that
16 would be data that we could relate to that pharmacy.

17 Q. Okay. And so when it talks about the
18 prescriber program, which I -- I know you weren't
19 directly responsible for, but do you know whether that
20 includes the -- the ADD program that's mentioned in
21 the schematic over here?

22 A. I believe it did, yes.

23 Q. Okay. That would be a -- that would be
24 coming up on the sales side, but that would be an

1 additional input as we discussed earlier into the OMS
2 team review?

3 A. Yes.

4 Q. But it also mentions government agencies,
5 law enforcement, I believe we -- you spoke with
6 Ms. Conroy about that earlier in terms of folks who
7 would search available databases and be on the lookout
8 for reports from -- from government sources, is that
9 right?

10 A. Yes.

11 Q. And then finally, I don't think we -- we
12 talked about it before, but also, would Purdue also
13 monitor media reports for --

14 A. Yes.

15 Q. -- doctors and pharmacies and that type of
16 thing?

17 A. Yes.

18 Q. And all of that information, again, would
19 go into the team that you are a member of here, the
20 OMS team review process, is that right?

21 A. Yes.

22 Q. Now, you -- you mentioned a few times what
23 other manufacturers may or may not have been doing.

24 Is it fair to say, however, that you

1 don't -- you personally don't have any -- any personal
2 or specific knowledge regarding what other
3 manufacturers would -- were doing at this time?

4 A. I didn't have any personal knowledge.

5 Q. Okay. Now, if you turn, please, to
6 Slide 12, you referred to earlier meeting with
7 distributors.

8 Do you recall that?

9 A. Yes.

10 Q. And does this generally describe the fact
11 that between September 2008 and March 2012 Purdue met
12 in person with ten separate wholesalers?

13 Do you see that?

14 A. Yes.

15 Q. It mentions the reason for that is to
16 discuss OMS programs and procedures and opportunities
17 for better collaboration.

18 Do you see that?

19 A. Yes.

20 Q. And do you believe that that did, in fact,
21 occur over time?

22 A. Yes, it did.

23 Q. It also says: "Throughout that time,
24 Purdue engaged in regular ongoing contact via

1 conference calls and joint site visits to discuss
2 particular accounts of concern and appropriate
3 follow-up."

4 Did you -- do you see that?

5 A. Yes.

6 Q. And were you, in fact, involved in -- in
7 some or all of those site visits?

8 A. I did not do site visits.

9 Q. You did not?

10 A. No.

11 Q. Did you accompany the -- anyone who went
12 on a site visit or did -- did you just coordinate it
13 with the wholesaler, for example?

14 A. I may, if needed, provide entree to the
15 appropriate person, but it was generally a corporate
16 security or a CSA compliance with a similar person at
17 the wholesaler.

18 Q. Okay. So you mentioned Jack Crowley
19 earlier?

20 A. Right.

21 Q. And Chuck Forsaith, is that right?

22 A. Chuck wouldn't do these. It would be a --
23 it would be Jack, it would be Luis Bauza, another
24 gentleman who worked in corporate security, Richard

1 Widup would sometimes do site visits. And when we say
2 "site visits," we are talking go to a pharmacy.

3 Q. Okay. What about for wholesalers, did you
4 ever --

5 A. I -- I was on those visits.

6 Q. You were on those visits?

7 A. Yes.

8 Q. So you were -- you were on visits to
9 wholesalers, but not at the retail level?

10 A. Not at the retail level.

11 Q. Slide 15 also mentions various meetings
12 with DEA.

13 Do you see that?

14 A. Yes.

15 Q. Starting in April of 2009 with an overview
16 of the OMS program, is that right?

17 A. Correct.

18 Q. Throughout your time at Purdue, based upon
19 any of these meetings with DEA, were you ever told
20 that DEA wanted to change a system, modify the system
21 or had any concerns with the way Purdue was conducting
22 its OMS review?

23 A. We never --

24 MS. CONROY: Objection.

1 BY THE WITNESS:

2 A. -- we never received any directive from
3 the DEA on our system other than the written
4 directives that went to everybody.

5 BY MR. HOFFMAN:

6 Q. Did you ever receive any citations from
7 DEA regarding your system?

8 A. Not -- not that I'm aware of.

9 Q. Then on the next slide entitled "Summary
10 of OMS Program Activity," it mentions: "Outlets
11 reviewed and/or referred ('08 through '11)." It says:
12 "Total 365."

13 Do you see that?

14 A. Yes.

15 Q. And it is broken down by state, including,
16 it says, 13 outlets in Ohio.

17 Do you see that?

18 A. Yes.

19 Q. And then it also breaks it down by OMS
20 committee action.

21 It says 290 were referred, is that right?

22 A. Correct.

23 Q. 75 closed, and that would be with -- with
24 no action taken?

1 A. Yes.

2 Q. And then eight were continue to monitor,
3 is that right?

4 A. Correct.

5 Q. So out of 365, at least during this time
6 period of the outlets who were reviewed, 290 of them
7 were referred to DEA?

8 A. Yes.

9 Q. Can you help us understand in terms of
10 order of magnitude or a percentage what -- what number
11 of outlets would that be, approximately?

12 A. Well, this focused in on retail pharmacy.

13 Q. Okay.

14 A. And retail pharmacy is def -- defined as a
15 pharmacy open to the public, so it could be a chain
16 store, it could be in a food -- it could be in a
17 market, it could be in a wholesale ware -- warehouse,
18 something that's just open to the public.

19 There are about, depending on the year,
20 maybe more than when I was at Purdue, but probably
21 somewhere around 55, 57,000, so if you look at it --
22 and we did not have 100 percent of the -- the store
23 data because of agreements that wholesalers had with
24 their customers. Some of the customers block their

1 data. So we had about 80 percent of that number. So
2 you are talking this is, I'm -- math was never my
3 strong suit, but, 6, 8 percent of that group were
4 referred. That's a pretty significant number of
5 pharmacies, I -- I feel, that's my personal belief.

6 Q. And on behalf of Purdue, looking back on
7 this system and the process and everything we've
8 discussed today, how would you describe the overall
9 effort by Purdue in the area of suspicious order
10 monitoring?

11 MS. CONROY: Objection.

12 BY THE WITNESS:

13 A. I spent a lot of time myself being
14 involved in this and I think -- I -- I think we took a
15 leadership role in this when we were there, we
16 certainly took it seriously, we took the action
17 seriously, we took the referral seriously.

18 And you'll note in the earlier slide it
19 says "informed the wholesaler." I can't as a
20 representative of the company tell a wholesaler how to
21 run their business, but if we said Pharmacy X was
22 going to be referred and they said, Well, we're not
23 sure it is a bad account, it is one of our top
24 accounts, we referred it. That relationship from a

1 business standpoint did not stop us from referring
2 that pharmacy.

3 Q. Is it --

4 A. So that's why I think we were very
5 aggressive.

6 Q. Is it fair to say that you're proud of the
7 efforts Purdue has made in this area?

8 MS. CONROY: Objection.

9 BY THE WITNESS:

10 A. I -- again, from a personal standpoint,
11 yeah, I am proud of it.

12 MR. HOFFMAN: Okay. Those are all of the
13 questions that I have.

14 MS. CONROY: I've got 32 minutes.

15 MR. HOFFMAN: Yeah, yeah, I believe that's
16 correct.

17 MS. CONROY: I don't -- I think we can just --
18 everybody okay? Are you okay, Mr. Seid?

19 THE WITNESS: I'm okay.

20 MS. CONROY: Okay. Then we'll just --

21 MR. HOFFMAN: Does she need a microphone?

22 MS. CONROY: No, no, I'm going to move with you.
23 I'm going to switch with you.

24 (WHEREUPON, there was a short

1 interruption.)

2 (WHEREUPON, discussion was had off the
3 stenographic record.)

4 MR. HOFFMAN: Can you do me a favor, can you
5 just hand me that little...?

6 MS. CONROY: Is that yours?

7 MR. HOFFMAN: Yeah.

8 Thanks.

9 THE WITNESS: What did attorneys do before
10 sticky notes?

11 MS. CONROY: Depositions were much shorter.

12 FURTHER EXAMINATION

13 BY MS. CONROY:

14 Q. Mr. Seid, you had what you described as a
15 robust suspicious order monitoring program, correct?

16 A. Correct.

17 Q. Of the -- if you take a look at
18 Ms. Abrams' presentation, I think you referenced that
19 there were 290 pharmacies that were reported to the
20 DEA?

21 A. According to this, yes.

22 Q. And that's out of approximately 57,000
23 pharmacies?

24 A. Well, there is about 55, 57,000 in the

1 universe. I don't know the exact number of what was
2 in our universe at that time because I -- as I
3 indicated when Mr. Hoffman asked me, due to
4 relationships that the wholesaler had with the
5 retailer, some of them blocked their data, which we
6 vigorously tried to get unblocked, but we only
7 probably had somewhere around 40, 42,000.

8 Q. You had -- you could see the data for
9 42,000 pharmacies?

10 A. I'm guessing, but I'm -- I knew it was
11 less -- it was a significant number less than the
12 total aggregate population of pharmacies.

13 Q. So you believed the -- the aggregate
14 population to be about 57,000 pharmacies?

15 A. Yeah, I think that's a safe number.

16 Q. Okay. And you had visibility?

17 A. With our data to 42, 45,000, somewhere in
18 there. We tried to impute the information for
19 pharmacies we didn't have.

20 Q. So that might have been another thousand
21 or so you could --

22 A. We tried to fill that bucket as much as we
23 could. It could have been -- if a particular area we
24 wanted to impute, you know, all of the Walgreens, it

1 could have been two -- 1800 in a state, so it could be
2 more than that.

3 Q. And of the 42,000 to 45,000 pharmacies
4 that you could actually in real-time, daily, in many
5 instances, see the data over four years almost, you
6 referred 290 of those pharmacies to the DEA?

7 A. I don't know what period she is talking
8 here.

9 Q. 2- -- she is talking about 2008 to 2011.

10 A. Yes, I guess that would be the case.

11 Q. So three -- three years.

12 And 290 of those pharmacies were referred
13 to the DEA?

14 A. Correct.

15 Q. Out of --

16 A. According to this, yes.

17 Q. Out of up to 45,000 that you could
18 actually see the data?

19 A. Yeah, it would be somewhere around there.

20 Now, the other thing that we did from a
21 partnering standpoint, and we were able to get some
22 visibility, is some of the chains that blocked the
23 data, we reached out to them individually, of that
24 original amount, which would be on the 2008 end, due

1 to our relationship that we developed with Walgreens,
2 we were able to add another 8,000 to that database, so
3 that would bring it closer to 50.

4 Q. So it's -- so it's 290 pharmacies referred
5 to the DEA out of about 50,000?

6 A. I'm guessing, yes.

7 Q. This took some time to review, correct, by
8 the time you got the reports in, you looked at the
9 data, it went through the suspicious order monitoring
10 committee and then a decision was made, correct?

11 A. It would be -- it would take some time.
12 What do you mean by "some time," months, years, weeks?

13 Q. Not minutes.

14 A. Not minutes.

15 Q. It would take some, maybe few weeks, or
16 would you -- you wouldn't make a decision -- you told
17 me that the suspicious order monitoring committee
18 would meet about every three or four weeks?

19 A. Yes.

20 Q. So if there was a decision to refer a
21 pharmacy to the DEA, we are looking at at least three
22 weeks, correct, between meetings because that's when
23 the decisions were made?

24 A. Yeah, it could have been that -- that

1 long.

2 Q. So the -- the pills were shipped, right?

3 MR. HOFFMAN: Object to form.

4 BY THE WITNESS:

5 A. The pills were ship -- well, they had to
6 be shipped because there would be nowhere -- way for
7 us to see the data if they hadn't been shipped.

8 This is what went into the pharmacy.

9 BY MS. CONROY:

10 Q. Correct. And --

11 A. We don't -- we don't see the data until it
12 is shipped from the wholesaler to the pharmacy.

13 Q. And you see that daily?

14 A. Right. But we could not -- you can't stop
15 an order after it's shipped.

16 Q. Could you stop the next order?

17 A. You could. There were times where we
18 would contact the wholesaler and say, There is
19 something -- we have seen something that we are
20 uncomfortable with here.

21 Q. So if it --

22 A. Immediately --

23 Q. I didn't mean to stop you there.

24 A. And we -- we could do that between

1 meetings.

2 Q. Did you ever do that?

3 A. Yes.

4 Q. So for every one of these 290 pharmacies
5 that you reported to the DEA, you continued to ship
6 product through the wholesaler to those pharmacies,
7 correct?

8 A. We continued to ship product to the
9 wholesaler.

10 Q. And as far as you know, the wholesaler
11 continued to ship to the pharmacy?

12 MR. HOFFMAN: Object to form, foundation.

13 BY THE WITNESS:

14 A. If it showed up in the data, the
15 wholesaler had shipped it to that pharmacy.

16 BY MS. CONROY:

17 Q. Well, you could see that, right?

18 A. Yes.

19 Q. You -- you would know that. So if you --
20 you had a list of the 290 pharmacies that were
21 identified to the -- to the DEA, you would be able to
22 go into your data and look and know exactly how many
23 pills were manufactured by Purdue and ultimately made
24 their way to the wholesaler and then to that pharmacy

1 every day, right?

2 MR. HOFFMAN: Object to form.

3 BY THE WITNESS:

4 A. Certainly at least once a week depending
5 on how often we got the data.

6 BY MS. CONROY:

7 Q. Did you ever give your suspicious otter --
8 order monitoring system to the DEA, did you ever
9 submit it to them?

10 A. I did not submit it to them. I believe in
11 this deck of Robin's, it points to the fact that our
12 system was discussed with the D -- DEA.

13 Q. You weren't part of that?

14 A. I was not part of that discussion.

15 Q. You talked a little bit with Mr. Hoffman
16 about legitimate patients.

17 Do you remember that?

18 A. Yes.

19 Q. And that was because when you were looking
20 at data -- when Purdue was looking at IMS data that
21 would refer to a physician's prescriptions with
22 respect to not an identified patient but to patients?

23 A. Correct.

24 Q. Why would you be concerned about whether

1 someone was a legitimate patient or not?

2 A. Well, if you have a suspicious order
3 monitoring system and you are trying to see if there
4 is inappropriate use of product and sometimes patients
5 or people masquerading as patients try to dupe doctors
6 and pharmacies, you certainly want to winnow those out
7 of the folks that are legitimate, because people in
8 unrelenting pain need access to pain management
9 products. And one of the things that is important is
10 that if they are legitimate and appropriate that there
11 is access to the -- that product for them -- for them.

12 Q. What is a -- at -- what is your criteria
13 for a legitimate patient?

14 MR. HOFFMAN: Object to form.

15 BY THE WITNESS:

16 A. A patient who is unrelent -- in an
17 unrelenting pain, is diagnosed by a licensed
18 physician.

19 BY MS. CONROY:

20 Q. Do you have a definition for moderate
21 pain?

22 MR. HOFFMAN: Object to form.

23 BY THE WITNESS:

24 A. I don't have a definition for moderate

1 pain.

2 BY MS. CONROY:

3 Q. What -- is -- is unrelenting pain a -- a
4 Purdue term or is that a term that you use personally?

5 A. It is a tomb -- term that I've heard in
6 the industry, certainly a -- a way of describing
7 somebody who is in chronic pain, whether it's moderate
8 or severe, it's unrelenting.

9 Q. And so long as someone has unrelenting
10 pain, then as far as you are concerned they fit the
11 criteria of a legitimate patient?

12 A. If --

13 MR. HOFFMAN: Object to the form.

14 BY THE WITNESS:

15 A. If the patient has a condition that is
16 being treated that requires a pain medication, they
17 are a legitimate patient, or they could be -- they --
18 they are a legitimate patient. It would be impossible
19 for me to identify every patient that was going into a
20 pharmacy.

21 BY MS. CONROY:

22 Q. Oh, I -- I understand that, but -- but you
23 are making that evaluation with respect to the IMS
24 data you are looking at, correct?

1 MR. HOFFMAN: Object to form.

2 BY THE WITNESS:

3 A. We are looking at the IMS data and trying
4 to impute whatever data we can get from it. As I
5 said, using my Memorial Sloan Kettering analogy, I
6 felt I personally would feel pretty safe that if the
7 pharmacy across the street from the clinic was using a
8 significant amount of an opioid they were probably
9 getting patients from Memorial Sloan Kettering.

10 BY MS. CONROY:

11 Q. And I --

12 A. I couldn't guarantee that, but they were
13 probably getting patients from Memorial Sloan
14 Kettering.

15 Q. And you could look at the physicians
16 through the IMS data, you could see which physicians
17 were prescribing and their patients were filling at
18 that particular pharmacy, correct?

19 A. It was my understanding we could ascertain
20 prescriptions and -- and where the -- what pharmacies
21 they were going to.

22 Q. And you're bringing up Sloan Kettering
23 because that's a -- a cancer institute, correct?

24 A. Right. But I could bring up MD Anderson.

1 I can -- you know, there's -- there are thousands of
2 places that are all treating people in severe pain.

3 Q. Would you consider a patient with a
4 headache that would not go away as unrelenting pain?

5 MR. HOFFMAN: Object to form.

6 BY THE WITNESS:

7 A. If a person had unrelenting pain it could
8 be a headache. I don't know if they would be an
9 appropriate person for an opioid, but they would have
10 unrelenting pain.

11 (WHEREUPON, there was a short
12 interruption.)

13 BY MS. CONROY:

14 Q. If I understand your testimony in response
15 to Mr. Hoffman's questions, would it be fair to say
16 that you -- that Purdue had total transparency with
17 respect to its wholesalers?

18 MR. HOFFMAN: Object to form.

19 BY THE WITNESS:

20 A. I wouldn't say -- I couldn't strictly
21 ascertain that we had total transparency.

22 BY MS. CONROY:

23 Q. And why is that?

24 A. Well, it is based on the data that was fed

1 into the system. So based on the data that was
2 provided to Purdue, that was the data I was able to
3 see. We were able to see. I can't guarantee from
4 where I sat that the wholesaler was giving us
5 100 percent. We tried to get as close as possible,
6 but I couldn't guarantee that.

7 Q. Okay. Could you --

8 A. And also, as you remember, I testified
9 earlier that they had some arrangements with their
10 downstream clients where they were prohibited from
11 providing the data in those agreements.

12 Q. But you had total trans -- well, you had
13 transparency to the -- to the extent you, you know,
14 you --

15 A. I could tell how much I shipped to them.

16 Q. Correct. So that's to the wholesaler.

17 You could see daily how much you sent to
18 the wholesaler and you could also see daily how much
19 went out the door from the wholesaler, correct?

20 A. Correct.

21 Q. And then --

22 A. I could not necessarily see where
23 100 percent of it went out the door.

24 Q. Correct. Because some of those retail

1 pharmacies were blocked to you, correct?

2 A. Right, correct.

3 Q. And that's when you gave me the difference
4 between the --

5 A. Right.

6 Q. -- 57,000 total pharmacies, you didn't
7 have total visibility of those -- of what was going to
8 those 57,000 --

9 A. Right.

10 Q. -- pharmacies, but you did maybe up to
11 45,000 pharmacies?

12 A. Right, and many of those that were blocked
13 were chain pharmacies and that's why, again, Purdue,
14 myself, aggressively went to the end user and said,
15 It's important that we see your data, and we were able
16 to increase that base number from the wholesaler.

17 Q. And that's when you told me that that
18 gained you insight into potentially 8,000 more
19 pharmacies?

20 A. Right. So we had about 95, 92 percent,
21 something like that.

22 Q. 92 to 95 percent visibility?

23 A. Um-hum.

24 Q. And did you have -- how much --

1 A. And that was my time there. I can only
2 talk about when I was there.

3 Q. I understand.

4 A. Okay.

5 Q. You -- you don't know whether it's more or
6 less after October of 2014, correct?

7 A. I'm -- after May 30th of 2014.

8 Q. May, okay.

9 You talked about Purdue being the leader
10 with respect to its data collection with respect to
11 suspicious order monitoring.

12 Do you recall that?

13 A. Yes.

14 Q. But you also testified that you don't have
15 any knowledge about what the other manufacturers or
16 distributors were doing, correct?

17 A. Um-hum.

18 Q. Did you have some ability to make a
19 comparison?

20 A. My comparisons also came -- most often
21 came from the fact that when I talked to our trade
22 partners, our wholesalers and the chains, we were told
23 we were miles ahead of anybody else as to how we
24 managed it.

1 Q. And by saying "miles ahead of anyone
2 else," you had -- Purdue had more visibility into the
3 customer and the customer's customer?

4 A. I don't --

5 MR. HOFFMAN: Object to form.

6 BY THE WITNESS:

7 A. -- I don't think it was only visibility.
8 I think it was the fact of how -- the comprehensive
9 approach we took.

10 BY MS. CONROY:

11 Q. And what do you mean by "the comprehensive
12 approach"?

13 A. Well, go back to that SOP and schematic
14 and Robin's presentation is that we went to -- we took
15 in as many data resources as we could.

16 Q. But you don't know, it's possible that
17 this was done after you left Purdue, correct?

18 A. That was done after I left Purdue.

19 Q. Okay. And it is your testimony that this
20 process, that Purdue's process that is described here
21 in the schematic was more robust than any other
22 manufacturer?

23 A. That's my belief, yes.

24 MR. HOFFMAN: Object to the form.

1 BY MS. CONROY:

2 Q. And your belief with respect to other
3 opioid manufacturers?

4 MR. HOFFMAN: Object to the form.

5 BY THE WITNESS:

6 A. That's my belief, yes.

7 BY MS. CONROY:

8 Q. And that's based on what the distributors,
9 Purdue's distributors told you?

10 A. Purdue's distributors --

11 MR. HOFFMAN: Object to form.

12 BY THE WITNESS:

13 A. -- that, yeah, basically what we heard
14 from third parties. We didn't -- I didn't sit down
15 with folks from other companies and say tell me about
16 your OM -- OMS procedures.

17 BY MS. CONROY:

18 Q. Correct. You heard about them through
19 your distributor customers?

20 A. Right.

21 MR. HOFFMAN: Object to form.

22 BY MS. CONROY:

23 Q. Or wholesaler customers?

24 A. Right.

1 MR. HOFFMAN: Object to form.

2 MS. PORTER: Make sure you --

3 BY MS. CONROY:

4 Q. And that was a --

5 THE WITNESS: Pardon me?

6 MS. PORTER: Just make sure you give him an
7 opportunity for objections.

8 MS. CONROY: But you just asked him to wait
9 until -- I just want to make sure I'm hearing.

10 MS. PORTER: Folks are talking over each other,
11 so I was asking him just to pause --

12 MS. CONROY: Okay.

13 MS. PORTER: -- before he answers.

14 BY MS. CONROY:

15 Q. The -- though -- you gained that knowledge
16 from conversations with wholesalers, correct?

17 MR. HOFFMAN: Object to the form.

18 BY THE WITNESS:

19 A. Within the trade, yes.

20 BY MS. CONROY:

21 Q. Right. I mean, what my -- my point of my
22 question is you face-to-face conversations?

23 A. Yes, face-to-face conversations.

24 Q. What about at HDMA, did you have some of

1 those conversations there?

2 A. I would talk to our wholesaler partners at
3 HDMA meetings, yes.

4 Q. So that would be one place where you would
5 have conversations about comparing Purdue's suspicious
6 order monitoring system to what those wholesalers
7 were -- were experiencing with other manufacturers?

8 MR. HOFFMAN: Object to form.

9 BY THE WITNESS:

10 A. I don't know if they would say and
11 specifically you are a lot better than Account --
12 Company X, but they would say you guys are doing a
13 tremendous job with this and I wish other people were
14 doing it as well as you are.

15 And when we --

16 BY MS. CONROY:

17 Q. Go ahead.

18 A. No, it's just that was the response I
19 would get.

20 Q. Did they ever have any suggestions to you
21 as to how you would improve it?

22 MR. HOFFMAN: Object to form.

23 BY THE WITNESS:

24 A. I don't remember if anybody did make any

1 suggestions.

2 BY MS. CONROY:

3 Q. Was there a particular strength of
4 OxyContin that was more of a red flag to you than
5 another?

6 MR. HOFFMAN: Object to form.

7 BY THE WITNESS:

8 A. Part of the algorithm included the
9 utilization of 40 and 80-milligram.

10 BY MS. CONROY:

11 Q. And so if there was more 80 than 40, was
12 that a -- a flag to you or how did it work?

13 A. Generally it was 40 and 80 as compared to
14 the aggregate.

15 Q. I see.

16 So you were concerned about whether there
17 was a substantial number of 40 compared to other doses
18 or 80 compared to other doses?

19 A. Generally it was 40s and 80s compared to
20 the other doses.

21 Q. Okay.

22 The fee-for-service, and I know we are
23 going to take your fact portion of the deposition in a
24 bit, but the fee-for-service contracts, you were

1 involved in those?

2 A. Yes.

3 Q. In the negotiation of those
4 fee-for-service contracts?

5 A. Yes, I was.

6 Q. And did Purdue pay for the data that was
7 provided from the wholesalers?

8 A. That was part of the fee-for-service
9 agreement, was that we got the data.

10 Q. In exchange for something you were giving
11 them?

12 A. Money.

13 Q. And did you -- did you have any of those
14 arrangements with individual retail pharmacies?

15 A. No.

16 Q. I do want to mark, since I marked it up,
17 the exhibit that I used this morning, just so that we
18 have it for the record, okay.

19 (WHEREUPON, a certain document was
20 marked Purdue-Seid 30(b)(6)
21 Deposition Exhibit No. 006, for
22 identification, as of 12/12/2018.)

23 MR. HOFFMAN: Your handwriting is a little
24 better than mine.

1 MS. CONROY: I'm not sure about that, but...

2 BY MS. CONROY:

3 Q. Do you have an -- I know that DEA referral
4 was 200 -- was it 290, is that what the number was?

5 A. For that period of time, yes.

6 Q. Through 2011?

7 A. Right.

8 Q. Was 290 out of 50,000 or so pharmacies
9 when you add in the Walgreens visibility?

10 A. Um-hum.

11 Q. How many -- do you have any idea how many
12 pharmacies were investigated?

13 A. Well, anything that was -- what do you
14 mean? I'm not sure I understand the question.

15 Q. Well, is that what this number is, the
16 365, "outlets reviewed and/or referred total 365"?

17 A. Reviewed and investigated would be two
18 different things, so what specifically do you mean?

19 Q. So was the 365 reviewed?

20 A. Reviewed.

21 Q. Okay. And of those -- and this is the
22 breakdown by state, so there were -- there were 13 in
23 Ohio that were reviewed by the suspicious order
24 monitoring committee. So there were -- there were 13

1 Ohio pharmacies that made it all of the way through to
2 the OMS team review, correct?

3 A. Correct.

4 Q. And we don't know, based on this summary
5 prepared by Ms. Abrams, if any of those were referred
6 to the DEA, correct?

7 A. We don't -- I don't know.

8 Q. And if I wanted to know that, how would I
9 find out?

10 A. I don't know.

11 Q. Do you know how many -- well, I guess it
12 is -- it is 365 that made it to a point where you made
13 a decision whether to report, do nothing or keep
14 looking at it, that's what that number 365 means,
15 right?

16 A. That's what that says, yes.

17 Q. Do you know if there is a breakdown of
18 these numbers after 2011, at least until you left in
19 May of 2014?

20 A. I can only say I assume there is, but I
21 don't know for sure.

22 Q. Is that anything that you looked at as the
23 executive director of national accounts and trade
24 relations?

1 A. The only time I would look at them would
2 be during the OMS meetings and process, but the data
3 afterwards wouldn't have -- I would not look at the
4 breakdown points.

5 Q. Do you know if you had anything to do with
6 the creation of the total number reviewed and then the
7 total that were completed?

8 A. I sat on the committee.

9 Q. But do you know if you had anything to do
10 with adding those up?

11 A. Adding those up, no. That would be all --
12 that was through Robin Abrams' department.

13 Q. Okay. So that would either be Robin
14 Abrams or Giselle Issa?

15 A. Giselle Issa.

16 Q. That would have figured out these numbers?

17 A. That's correct.

18 Q. Would there be any reason to believe that
19 these numbers, something like this slide, could not be
20 created right up until the present?

21 MR. HOFFMAN: Object to form, foundation.

22 BY THE WITNESS:

23 A. I don't know.

24 BY MS. CONROY:

1 Q. As of the time you left in May of 2014, if
2 you had the time to do it, would you have been able to
3 create this summary of OMS pro -- program activity?

4 A. I imagine so. I don't know if it was or
5 it wasn't.

6 Q. No, but it was -- as far as you know, it
7 was possible to do it?

8 A. I would assume it was possible to do it,
9 yes.

10 Q. There was nothing that had changed about
11 the way the data was collected that would make that --

12 A. No.

13 Q. -- not a possibility?

14 A. No, no.

15 Q. Would that -- would this compilation be
16 done strictly from the database or would you need
17 something other than the suspicious order monitoring
18 database to know what these numbers are?

19 A. I don't know if I can answer that. This
20 was based on -- this number was based on all of the
21 criteria we've gone over before through the OMS
22 committee. So I don't --

23 Q. But --

24 A. -- I don't know what additional would be

1 added to it.

2 Q. Okay. But what I guess my question is,
3 would I have to go through all of the board minutes of
4 all of the OMS committee meetings to try to come up
5 with --

6 A. That number?

7 Q. -- 365 and how many were referred or would
8 I see that on the suspicious order monitoring
9 database?

10 Would that be collected on the database?

11 A. I don't -- I can't tell you for sure there
12 was a spot on the database or there wasn't. I don't
13 know.

14 Q. Okay. So it's not clear whether or not
15 the pharmacies that were reviewed would be able to be
16 identified by looking at the database?

17 A. The aggregate number, is that what you are
18 asking?

19 Q. No, just a -- how about an individual one?

20 A. Well, that was the -- that was the purpose
21 of the -- of the system was to identify individual
22 stores so you could identify an individual store and
23 that individual store would go into the process and be
24 part of that number that's on that slide.

1 Q. I understand that. But if two years later
2 I was concerned about a particular pharmacy in a
3 particular place --

4 A. Yeah, you could go to the database and see
5 it, sure.

6 Q. And would I see in the database that it
7 had already gone through OMS review, that -- would
8 there be some column or some indication in the
9 database?

10 A. I'm -- I am not sure. I don't know.

11 Q. Who would know the answer to that?

12 A. Probably Giselle Issa.

13 Q. And do you know if I went into the
14 database a couple of years after a particular pharmacy
15 was reported to the DEA, do you know if there would be
16 some notation in the database that that had occurred?

17 A. That it had been reported?

18 Q. Yes.

19 A. Yes.

20 Q. And what would that look like? Was there
21 a column or --

22 A. It would be -- it would be in the notes.
23 It would be in the final summary of action taken and
24 it would be noted as referred.

1 Q. But you are not certain what might appear
2 in the Notes section with respect to either a pending
3 investigation or some prior investigation that did not
4 result in a report to the DEA?

5 A. I believe the way the -- the notes were
6 prepared is that information was add -- added as
7 opposed to removed. So if there was a pending store,
8 it would move from pending to referred or pending to
9 complete.

10 Q. And that --

11 A. So that would be in the notes.

12 Q. Okay. And that would be something
13 that Ms. Issa or Ms. Ro -- Ms. Abrams would know
14 about?

15 A. Yes, I would think.

16 Q. Who -- who actually did the quality
17 control for that database at Purdue?

18 A. Giselle Issa was the OMS director.

19 Q. Was the what?

20 A. The OMS director as it was listed.

21 MS. CONROY: Okay. I have nothing more today.
22 Thank you.

23 MR. HOFFMAN: I just have -- I think I have one
24 question.

1 FURTHER EXAMINATION

2 BY MR. HOFFMAN:

3 Q. The -- the 290 number for outlets that
4 were referred, just to be clear, that's referring
5 specifically at the retail level, outlets, like,
6 retail pharmacies?

7 A. Yes.

8 Q. And so would that or would that not
9 include individual physicians and individual
10 pharmacists that were also referred to DEA or law
11 enforcement?

12 A. No, that would not include that. That was
13 the pharmacy referral.

14 MR. HOFFMAN: Thank you.

15 FURTHER EXAMINATION

16 BY MS. CONROY:

17 Q. Just as a follow-up to that, were you --
18 were you involved in physician referring to the DEA as
19 well?

20 A. No, I was not.

21 Q. Okay. And that wasn't part of the
22 suspicious order monitoring database, correct?

23 A. Not for retail accounts. There were other
24 systems, but not that I was involved with or privy to.

1 Q. Correct. So the database that you're
2 talking about, the suspicious order monitoring
3 database dealt with retail outlets, not physicians,
4 correct?

5 A. Purely the trade, yes.

6 Q. Thanks.

7 (Reporter clarification.)

8 A. Purely the trade.

9 Q. Okay. So the suspicious order monitoring
10 database dealt with wholesalers as well as --

11 A. Retailers.

12 Q. -- retail pharmacies?

13 A. Right.

14 Q. What about doctors' offices that
15 dispensed, would that be part of it?

16 A. They didn't dispense our product, none.

17 Q. Okay.

18 A. Not if I knew about it.

19 Q. Okay. And what about a hospital pharmacy,
20 would that be considered the same?

21 A. Yeah, that's a pharmacy, sure.

22 MS. PORTER: Is this a good place to stop?

23 MS. CONROY: I'm going to mark, just so that we
24 have it, as Exhibit 7 my notes.

1 (WHEREUPON, a certain document was
2 marked Purdue-Seid 30(b)(6)
3 Deposition Exhibit No. 007, for
4 identification, as of 12/12/2018.)

5 MR. HOFFMAN: And on that, Jayne, I -- I think
6 he disagreed with total transparency, so I -- I don't
7 want the exhibit to be misleading.

8 MS. CONROY: No problem at all. Let me get rid
9 of that.

10 BY MS. CONROY:

11 Q. How would you -- would you say you had --
12 Purdue had transparency to the wholesalers instead of
13 total?

14 Do you remember that discussion we had
15 about --

16 A. Yeah, trans -- I would say transparency as
17 opposed to total.

18 Q. Transparency.

19 MS. CONROY: Okay. Thank you.

20 THE VIDEOGRAPHER: Off the record. We are off
21 the record at 12:44 p.m.

22 (Time Noted: 12:44 p.m.)

23

24

1 REPORTER'S CERTIFICATE

2

3 I, JULIANA F. ZAJICEK, C.S.R. No. 84-2604,
4 a Certified Shorthand Reporter, do hereby certify:

5 That previous to the commencement of the
6 examination of the witness herein, the witness was
7 duly sworn to testify the whole truth concerning the
8 matters herein;

9 That the foregoing deposition transcript
10 was reported stenographically by me, was thereafter
11 reduced to typewriting under my personal direction and
12 constitutes a true record of the testimony given and
13 the proceedings had;

14 That the said deposition was taken before
15 me at the time and place specified;

16 That I am not a relative or employee or
17 attorney or counsel, nor a relative or employee of
18 such attorney or counsel for any of the parties
19 hereto, nor interested directly or indirectly in the
20 outcome of this action.

21 IN WITNESS WHEREOF, I do hereunto set my
22 hand on this 16th day of December, 2018.

23

24 JULIANA F. ZAJICEK, Certified Reporter

1 DEPOSITION ERRATA SHEET

2

3 Assignment No. 200039

4 Case Caption: In Re: National Prescription

5 Opiate Litigation

6

7 DECLARATION UNDER PENALTY OF PERJURY

8

9 I declare under penalty of perjury that I
10 have read the entire transcript of my Deposition taken
11 in the captioned matter or the same has been read to
12 me, and the same is true and accurate, save and except
13 for changes and/or corrections, if any, as indicated
14 by me on the DEPOSITION ERRATA SHEET hereof, with the
15 understanding that I offer these changes as if still
16 under oath.

17

18 STEPHEN SEID

19

20 SUBSCRIBED AND SWORN TO

21 before me this day

22 of , A.D. 20__.

23

24 Notary Public

1 DEPOSITION ERRATA SHEET

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3 _____

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24 STEPHEN SEID

1 DEPOSITION ERRATA SHEET

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